REVENUE DEPARTMENT

Bombay Castle, 18th September 1890.

No. 6584.—Under the provisions of Section 26 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to direct that from 1st October 1890 the land specified in the following schedule shall cease to be Reserved Forests in the Haliyál Division of the Supa Táluka of the Kanara District :—

Schedule referred to above.

Name of Village.	Survey No.	Area	
		A.	g.
Garadoli	15	12	4

By order of His Excellency the Right Honourable the Governor in Council,

J. NUGENT,

Chief Secretary to Government.

Forests: Kánara.

No. 6691.

REVENUE DEPARTMENT.

Bombay Castle, 23rd September 1890.

†Memorandum from the Conservator of Forests, S. C., No. 2583, dated 10th September 1890—Submitting, together with a draft notification for publication in the *Bombay Government Gazette*, copy of the following letter No. 108, dated 20th June 1890, from the Divisional Forest Officer, S. D. Kánara:—

"I have the honour to request you will be so good as to obtain the sanction of Government to disforest Survey No. 31 of the Málkop, [redacted] in the Sirsi Táluka gazetted as a proposed reserve in Notification No. 8650, dated 20th December 1887, at pages 980—984 of Part I of *Bombay Government Gazette*.

"2. At the survey and settlement of this village in 1882, the number in question was constituted a Government waste. The holders of the adjacent occupied rice land, Survey No. 29, have been in the habit of using the said number for growing grass, both before and since the survey. In February 1887 one of them applied for the occupancy of the number, and the application was sent to the Revenue authorities, with an endorsement of my opinion that it may be given. It was accordingly made over to the applicant in May 1888 and is now under cultivation.

"3. By an oversight, however, the same number was included in the list of those that were selected by me for forests, and hence it has been published in the schedule annexed to the notification quoted above and which should now therefore be corrected. A draft of the erratum to be published is attached."

and stating as follows:—

"The Survey No. 31 of Málkop has been notified under Section 28 of the Forest Act (page 690 of the *Government Gazette*, dated 17th July 1890)."

RESOLUTION.—The draft notification should be published in the *Bombay Government Gazette*.

Acting Under Secretary to Government.

To
The Commissioner, S. D.,
The Collector of Kánara,
The Forest Settlement Officer, Kánara,
The Conservator of Forests, S. C.

No. of 1890.

Copy forwarded for information and guidance to

REVENUE DEPARTMENT.

Bombay Castle, 23rd September 1890.

No. 6691.—With reference to Government Notification No. 4839*A* of the 14th July 1890, published at pages 683 to 690 of the *Bombay Government Gazette* of the 17th idem, Part I, His Excellency the Governor in Council is pleased to direct that the land specified in the following schedule shall cease from the date of this Notification to be Protected Forest in the Sirsi Táluka of the Kánara Collectorate:—

Name of Village.	Survey No.	Area.
		A. g.
Malkop	31	4 27

By order of His Excellency the Right Honourable the Governor in Council,

J. NUGENT,

Chief Secretary to Government.

No 305 of 1890-91.

Conservator's office, S.C.

Yellapur, Kanara Districts 26 April 1891.

From

The Conservator of Forests,

Southern Circle.

To

The Chief Secretary to Government

Revenue Department, Bombay.

Sir,

I have the honour to submit for orders

* To be returned, (Vide -)

the * correspondence noted in the margin concerning the question whether forests gazetted under section 34 of the Forest Act of 1878 can be dealt with under that act or not

- Divisional officer S.D. Kanara's No 339 of 15th October 1889.
- II Class Magistrate's No. 307 of 18th July 1889.
- First assistant Collector's No 555 of 27th July 1889.
- Proceedings of the District Magistrate on Mr Woodrow's appeal of 14th July 1888.
- Judgment of 3rd Class Magistrate No 1 of 1889.
- Conservator's No 5045 of 6th March 1890
- Collector of Kanara's No 1153 of 15th April 1890

2. Sir, seems to me that all forests which have been

declared protected, or reserved, under section 34, are subject to the provisions of the Forest Act, and that clauses 2 and of that section have been inserted solely with a view to safeguard any rights that may exist, but which might have been overlooked in the summary reservation of vast areas. But that these clauses should completely mine the legal position, as protected or reserved, of forest gazetted under section 34 appears to be contra. to the governing clause which declares that such shall be treated as protected, or reserved, as the case be. Again: should the view taken by the magistrates rect, section 34 is apparently aimless, for, if all questions concerning such forest must be dealt with another Code, there could have been no object in ing the section. Moreover, it is difficult to conceive forests could be declared protected or reserved under orest Act and yet not be subject to the law governing forests under the Act.

The difficulty — if there be any — of the magistrat

might easily be overcome as regards protected forest, by a notification to the effect that Government are pleased to make the last clause of section 28 applicable to all protected forests gazetted under section 34 (a) and, it would be well to add, section 28) of the Forest Act.

4. But in the case of reserved forests, I see no way out of the difficulty; and if it be a real one, it is a serious matter considering the slow progress of settlement and the difficulty of dealing adequately with many forest offences except under the Forest Act.

I have the honor to be,
Sir,
Your most obedient servant
J. D. Mackay
Conservator of Forests, S. C.

Through
The Commissioner, S. D.

No. 2807 of 1890.
Revenue Department
Belgaum 19 July 1890.

Forwarded.

2 The difficulty might, the Acting Commissioner thinks, be overcome, by declaring all Reserved Forests in which rights had not been enquired into as Protected, in defendations would be punishable under section 32. It might be a question for consideration, whether it would not be advisable to ~~delegate~~ ~~the~~ Assistant Collectors in Kanara Forest-Settlement Officers, enquire into rights claimed in, etc within their respective charges, settled under section 34. Their enquiries

1870-3-5-96

enquiries need not clash with
the special enquiry of Mr. Wingate
Forest Settlement Officer. The
finding of the subordinate
magistrate is of course open to
ridicule, but section 34 certainly
by leaves room for dubious
interpretation.

3 The undersigned regrets
the delay in forwarding this,
but he misunderstood Mr. Isac
Gregor to tell him in conversa-
tion that a similar reference
might shortly be expected on
the same subject.

Dinshaw
Conservator S.F.

No. 337 of 1889-90.

From

The Divisional Forest Officer, S. D.,
Kanara.

To

The Conservator of Forests, S. C.

Divisional Forest Office, S. D., Kanara.
Camp Sirsi, 15th November 18[illegible]

Sir,

I have the honour in forwarding the papers, as per index attached, to bring to your notice that the Magistrates in Kanara object to convict persons accused of offences under section 32 of the Forest Act on the ground that an inquiry into rights under section 28 has not been made and that rules have not been framed under section 31 for granting licences to remove forest produce. They also hold that the reservation of 19 kinds of trees under section 29 notified in Government Gazette No. 229 dated 8th January 81 is inoperative owing to the above preliminaries not having been observed.

2. [illegible]

2. If this interpretation of the law is correct, not only in settled villages is the Act in a great part a dead letter as regards "Protected Forest," but also in settled villages, as no rules have yet been framed under section 31.

3. Section 28 paragraph 5 of the Forest Act gives Government power to make land "Protected Forest" pending enquiry into rights and all waste lands were so declared in Government Notification No. 19, dated 1st March 1879. Also in Government Notification No. 299, dated 15th January 1881, nineteen kinds of trees were reserved under section 29, for the express purpose of making offences triable under the Forest Act instead of under the Penal Code, and to allow of the rewards offered in Government Notification No. 5587, dated 18th October 1879, being paid to informers. Further rewards for offences condoned under section 67 have since been offered by Government in Government Resolution

No. 8568

No. 8568, dated 10th December 1887.

4. On publication of the above notifications you gave instructions in your No. 223, dated 25th January 1881, to the Divisional Forest Officers to prosecute in future under the Forest Act; and the then District Magistrate, Mr. Macdonald, gave similar instructions to all Magistrates. This procedure has been generally followed from then till now, and numerous convictions have been obtained, many of which have been upheld on appeal by superior courts, and one also by the High Court. This latter was for an offence committed in the protected forest of a settled village, but the absence of rules under section 31 was no obstacle to the High Court upholding the conviction.

5. The Magistrates who consider convictions under section 32 of the Forest Act illegal quote in support of their views Government Resolutions Nos. 2206 and 8777, dated 26th April 1880 and 11th November 1884 respectively.

From

From these Resolutions it is clear Government do not consider the penal clauses of the Act applicable in cases where a proper Forest Settlement and demarcation has not been carried out, or where rules have not been framed under Section 31 for granting licences to remove forest produce.

6. On the one hand there are the Notifications of 1877 and 1881 which either legalize proceedings under Section 33 or fail in the object for which they were issued, and on the other hand the Resolutions quoted in the preceding paragraph. In face of these conflicting opinions I am quite at a loss how to act, and submit this report with the object of having the doubts and uncertainties cleared up and the position clearly defined. At the same time I take the opportunity to lay before you some administrative difficulties that will arise, supposing the Act does not apply till a proper settlement and demarcation has been

carried

carried out.

7. Forest Settlement was commenced in this Division in 1879 and up to date only 122 villages in the Sirsi Taluka containing 130652 acres of forests have been settled. There remain 673555 acres, which at the same rate of progress will take 60 years to complete. During this long period the Forest Act will be mostly inoperative; the powers conferred on Forest Officers under various sections of the Act and principally Sections 67, 71 and 75 will be in abeyance; trivial cases at present compounded will have to be taken into Court or else pardoned; and the rewards promised to informers in Government Notification No. 5587, dated 18th October 1879, and Resolution No. 8568 of 16th December 1887 will have to be withdrawn.

8. Retrograde as the withdrawal of these measures will be, and baneful to Forest Conservancy, the evil is small

small when compared with the damage to which the forests will be exposed administered solely under the Permit Rules, the loose wording of which admits of a wide interpretation being given to the privileges accorded, and has led to many abuses. A few examples will make this apparent.

9. Rule I, section 4, allows the ryot to cut and collect according to customary usage "leaves and grass for manure." When the Permit Rules were passed in 1864 Survey and Settlement had not been begun in Kánara. The ryots were in the habit of pollarding trees and cutting brushwood in the forests for purposes of leaf manure. This practice and its destructive effect on forests early engaged the attention of the Survey officers when they came to the District, and at their instance Government in Resolution No. 5164, dated 1st October 1871, sanctioned rules restricting the lopping of trees to definite areas known as "Betta lands".

Such

Such lands have now been as-
signed throughout the whole Dis-
trict to garden cultivators, after
much labour and a great cost to
Government. The ryots however,
do not confine themselves to the
areas and still pollard on the
forests, asserting as their right to
do so, the section of the Forest
Rules quoted above, though re-
peatedly warned by the Forest
Authorities to desist from the
practice they openly, even de-
liantly continue to do so, and the
department has been forced to
take flagrant cases into Court.
It has been usual to lodge
complaints under section 32 of the
Forest Act for pollarding trees
reserved under Section 29 in force
declared protected in Notification
No. 19, dated 1st March 1879. Con-
victions have hitherto been
obtained without difficulty, but
if an enquiry into rights under
section 28 is first necessary the

2.

mode of proceeding will have to be abandoned.

10. Besides lopping the trees the ryots clear away also all the brush-wood for long distances round the village, or else in selected places, to secure good grazing for their cattle. Though this practice is not allowed by the Forest Rules section 4 covers the offence, as it can be urged that the brushwood was cut for leaf manure.

11. Section 2 of Rule I allows the ryots to cut junglewood for small houses, huts, chaffcars, cattlesheds, &c. All trees except teak, blackwood and sandalwood are included in the term junglewood. This rule gives greater latitude than even the former one and allows of a wide interpretation being given to the privilege. Where is the line to be drawn, between a small house and a large one, and what sized trees can be cut are questions that often

often arise. The Periach Rules excepts only squared timber of a superior description, so that the rule is susceptible of the interpretation that any sized wood can be used provided it is not squared. What is a cattlesshed is a point that was raised by the Vana Durkha Nivarana Subha in their petition to Government. Cattlesheds vary in size and durability as much as houses. Some form part of the dwelling houses of the ryots and are substantial constructions others again, though standing by themselves, are built of thick round wood capable of being squared and are equally lasting; while others are of small inferior wood and only last for a few years. The kind of structure depends on the means of the ryot and the facility in obtaining the class of wood used. rule can be made to apply three descriptions, though et is the latter only is meant, the fo

requ

requiring from 25 to 50 cubic feet of wood.
The privileges accorded in section 5 are equally vague, young trees being often used for stakes and bows.

12. It will be seen from the few examples above given what a wide door the Permit Rules leave often for the committal of offences, and how, though originally found to protect the forest, they in reality hand them over to destruction. The rules reserve only ten kinds of trees, but there are many other valuable kinds not included in that number. The kinda tree for example yields a large revenue to Government and is yearly becoming more valuable, but there is nothing to prevent it being pollarded for manure or cut for a frost for a cattle shed.

13. It is not either as if the interpretation now ought to be given to the privileges of the Permit Rules were ever really intended, as will be seen from the accom-

-panying

paying orders and circulars extending from 1876 down almost to the present day. These orders were passed from time to time by the Collector and Conservator, jointly, as abuses were brought to light, and explain the exact privileges that are conceded. On the points to which I have referred, they declare that the trees are not to be pollarded, and only dead leaves to be collected in the forests, and that fallen 1st class jungle wood and standing 2nd class of not more than two feet in girth can be used for small houses, Cattlesheds, huts, &c.

14. These orders are strictly observed by the Revenue and Forest officials and also by the law abiding ryots and give general satisfaction in their working. It is only when cases of abuse are taken into Court that difficulties arise as to the actual wording of the Forest Rules. Magistrates generally refuse to listen to the circulars and orders above referred to, when urged

by

by the prosecution and if they do reply, that they are merely departmental orders with no force of law and they must be guided by the exact wording of the Permit Rules.

15. I attach several Magisterial decisions to show that the construction which I have said is put on the Permit Rules is not a fancy of my own but a sober reality. I would particularly draw your attention to the finely ~~appre~~ -mentary remarks of the 3rd class Magistrate of Siddapur which, besides being amusing reading, affords a very fair type of the way subordinate Magistrates look upon forests and forest offences. The cases were tried under the Forest Act, and if the provisions of the Permit Rules are no override those of the much greater reason ~~w~~ ~~ey~~ ~~be~~ taken as the standard in deciding cases under the Penal Code.

16. Viewing matters in the light

in

in which they now present themselves the final clauses of the Act inapplicable where forest settlement has not been carried out, and where rules have not been framed under section 31; and the Forest Rules authorizing the lopping of trees and removal of jungle-wood at the will and discretion of the cultivators. The control of the forests is thus taken out of the hands of the Department, and the most destructive practice, that of lopping trees, allowed to proceed unchecked and unprevented. The time and money spent by Government in assigning "khalsa" lands become also of no account. This is a startling conclusion, but if the decisions and opinions of the Magistrates are accepted I do not see how any other can be arrived at.

17. I have endeavoured to show how the Forest Rules act prejudicially on forest conservancy, not with the

view

view of having any of the privileges abridged, on the contrary, I should like to see them extended, vide this office No. 368 dated 1st November 1888, but because as they now stand they offer a serious administrative difficulty. It is useless, even injurious, for the department to bring cases into court in accordance with the rules framed by the Collector and Conservator and to have the Magistrates acquitting the accused. Naturally the ryots consider they have been unjustly treated, commit the same offence again, and extra friction is caused between the forest officers and the ryots. I am therefore respectfully of opinion, an opinion held by a former Collector, Mr. Candy, vide his No. 140, dated 9th January 1883, (copy attached), that if the Permit Rules were amended in the sense of the circulars referred to, great good would result to the forests without the legitimate rights of the ryots suffering in any way. Such a course, too, would merely bring the rules into accord with the

practice

practice and, with the policy followed by such able administrators as Colonel Peyton and Mr. Macdonald.

18. The speedy settlement and demarcation of the forests is however what is most urgently needed to place forest administration on a satisfactory footing, and seeing that forests in this District are the most valuable in the Presidency the expediency of accelerating the present slow rate of progress is I think, obvious.

I have the honour to be,
Sir,
Your most obedient Servant,
(Signed) W. R. Woodrow,
Divisional Forest Officer, S. D.,
Kanara.

through the Collector of Kanara.

2207/A.

Subd.

The question raised in these cases is whether prosecutions under the Forest Act can lie in respect of forest offences committed in protected forest notified under sec. 34 of the Forest Act regarding which, however, no inquiry & record of rights as required by the Act have yet been made.

made the question
was first raised
in 1880 & in para
4 of his report dated
3 81 of 6. 4. 80 the
Revr. of Legal Affairs
gave his opinion as
follows:-

"But as regards
lands in respect of
which Govt. direct
that the rights of Govt.
& of private persons
be now inquired into,
settled & recorded,
the second proviso
to the section (34 of the I. T. Act)
enacts
that

that until such in-
quiry &c. are completed
such rights shall not
be abridged or affected
This is a much more
difficult provision
for the Forest Dept.
to follow because
until a right has been
settled & recorded
it is almost impossible
to say what act or
order may not "abridge"
or "affect" it; & if a
Forest officer prosecutes
a private person &
such person asserts

that the act complained of was done in the exercise of a right which he claims but which has not yet been inquired into, settled & recorded, it can hardly be expected that the criminal courts will convict. Obviously the greatest hesitation ought to be observed by the Forest Dept in prosecuting at all in such cases."

Jn

2. for a report &c

1068 of 23 & 30 Geo

by him on a recent

case from the Circuit

the Legal Remembrancer

served as follows:-

"The result of

this state of things

is that if any person

is charged under sec

32 of the Act with

an offence & in his

defence urges that

what he did he did

in the exercise of a

right which he clai

& which right is

not affected by the declarations of Govt. under the Forest Act, it is unlikely that the criminal courts will convict such person. The exhibition of such a weakness of the law wd. no doubt lead to inconvenient results, but that inconvenience can be avoided by admitting the exercise of rights claimed within the area of the closed forests (excepting

excepting where it is considered that they are clearly baseless) pending the completion of the inquiry which has still to be made under sec: 28 of the Act, the persons concerned being informed that the admission is only made pending such inquiry.

3. In a case from Kiara disposed of by S. R. No. 78 HH dy 3.10.84 the question was also raised whether prosecutions of such

cases

cases lie under the Indian Penal Code. Mr. Naylor advised that they would not, & expressed an opinion as follows.

"It follows from this opinion that pending the completion of the enquiry, settlement & record under sec. 34 of the Forest Act, no legal means exist for enforcing the views of Govt. except the arbitrament of the civil courts.

When

When the enquiry
Settlement under Sec.
34 commences, the Forest
Settlement officer &
the appellate authorities
above him, constituted
under the Forest Act,
will virtually exercise
the functions of the
civil courts & will
frame once for all,
by a less cumbrous
machinery than that
of the civil courts,
a record of all rights
in & over the Protected
Forests. The most
desirable course of the
therefore

therefore, for Govt to
be expedite as much
as possible the enquiry
settlement under sec.
3 (1). In the meantime
actual prevention or
civil suits are the only
methods available for
preserving what Govt
deem to be their rights
in the "Protected Forest"
4 On this case Govt
passed the following
order:-

"Pending the
completion of enquiry
into rights Govt do not
desire to prosecute
where

where there is a clear
right to defence that the
accused person ought
to be allowed himself to be
the exercise of a right
or custom. In cases
where no such defence
can be pleaded, prose-
cutions may be allowed.
For otherwise, as the
Court says, the Govt
forests would be without
protection while enquiry
is going on.

"Moreover in the
cases where prosecutions
are at present not allowed,
it

It does not follow
that the rayats should
be permitted to set
at defiance orders
which Govt. have issued
on a reasonable view
of their rights. The
Legal Remr. indicates
the action to be taken,
viz., that Govt. may
through their forest
officers prevent the
exercise by the rayats
of asserted rights
of which Govt. deny
the existence, leaving
the claimants to sue
Govt

Court in order to ob-
tain their claims.
5. It will thus
be seen that the
action of the Sub-
Magistrate in the
case reported in the
papers cannot be
disputed on legal grounds
6. The considerations
described above do
apply also to Reserved
Forests notified under
sec: 34 in respect
of which no enquiry &c.
have yet been made
as required by the

Act (Vide paras 172
of G. R. (i) 220 6/4/26-
H-80)

57. It is presumed
that in these circum-
stances the only way
out of the difficulty
is to complete as soon
as possible the inquiry,
&c., under the Forest
Act in respect of
lands notified as
Reserved under sec 34
as Reserved & Protected
Forest. It is for Govt
to decide whether
the suggestion of the
Council

Bourne [illegible] at
all Nestle Colts in
Kanara shd be ap-
pointed Forest Settle-
ment officers for
their respective charges,
Mr. Wingate at the
same time continuing
as F. S. O. for the Nestle;
shd be adopted.

8. It is also for
consideration whether
the present papers shd
be forwarded to the
Revr. of Legal Affairs
for opinion whether re-
ference to G. R. No.

5652

S. 6 S. 2 dt. 13-8-90 with
which certain rules
framed under sec.
31 of the Act regarding
Protected Forests in
the Kanara Distt.
have been sent to
him for consideration
& revision.

MW
2/8/91.

I will send this papers to the
Hon'ble of L.A. for any remarks
he may desire to offer (Although
on the certain legal point involved.
Then can I think in view of the
opinions already given by no means
for doubt) generally, I am the personal
that the said Rules should be approved
Forest Settlement Officers for their Talukas
the Divisional Officers as F.S.O
remaining are affected.

The suggestion that the Reserved
Forests and Unprotected Forests should be consulted
with Protected Forests seems to me to be

unnecessarily and unprofitably multiplied words of attorney
the Rules named at.

I think the Govt should be asked to refuse their sanction. Private communication of settlement
is working in Kanara, how much still remaining is to be done, and what work can be carried on
to take up during the coming dull season.

17/8/91

Revenue Department

Bombay Castle 1st Sept. 1890

Memo

The Undersigned presents Compliments to the Comm.r S. D., & with reference to that officer's memo No 2607 dated 19th July 1890, is directed to request that Mr. Keyser will be good enough to ascertain & report what progress has been made in demarcation & Settlement of Mahwa in Kánara, how much still remains to be done & what work Mr. Wingate proposes to take up during the coming fair season.

I-9
Submitted
J.C.

Mr. Keyser

Ag Undersecty to Govt

No. S.R.C. of 1890

2001
3-9-90

Revenue Department

Bombay Castle 1st September

* Forwarded to the

* R.J. No 2207 A

Remembrancer of Legal Affairs

for favour of any remarks

he may desire to offer

Generally, and see the proposa

that the Assistant Collectors

in Kánara should be appointe

Forest Settlement officers fo

their respective Talukas,

Mr Wingate's appointment as Forest Settle

ment officer for the entire dis

remaining unaffected -

By order

D.E. Khrijás

for Ag Under Sech to Govt

Report

C.6/1341 of 1890.

Pretoria 3rd September 1890

I beg respectfully to submit with reference to the first part of the Government Memorandum that would be more convenient if the points upon which my opinion is desired were indicated in more specific terms, as my duties, as a legal adviser, do not justify my offering any remarks except upon questions on which my opinion is called for.

2. Assuming that the question on which I am desired to advise is whether prosecutions can legally be made under the Forest Act in respect of offences alleged to have been committed in forests which have been declared to be protected

protected forests under section 34
of that Act, I am of opinion that
they can. I submitted an opinion
on this point in paragraphs 3 and
4 of my Report No 381 of 6th April
1880, and I have not since seen
reason for modifying the views
of the law then expressed. I had
occasion to submit a similar
opinion recently in paragraph
4 of my No 1068 of 23rd July 1890 (vide
Government Resolution
No 5645 dated 13th August 1890)
But in 1880 His Excellency in
Council did not concur in my
opinion and issued orders to
the contrary in paragraph 2 of
Government Resolution No 2206
of 26th April 1880. His letter in
one of the two Resolutions referred.

-to in paragraph 5 of the Divisional Forest Officers G.O. 539 of 15th November 1889 amongst the accompanying papers. The second of those Resolutions has not apparently been communicated to this office.

2. With reference to the proposal that the Assistant Collectors in Kumaon be appointed Forest Settlement officers for their respective talukas, I beg to notice that the Forest Act, section 4(c) requires the appointment of Forest Settlement Officers for reserved forests only. It is not necessary that the officer to be appointed to hold an inquiry respecting protected forests under section 28 or 34 of that Act be a Forest Settlement Officer.

Remembrancer of Legal Affairs

Subd.

The reference
made to the Read
of Legal Affairs
to which he is present
report is a reply
exactly in the terms
of para 1 of the
Chief Secy's note dated
the 27th ult. on Regd
No 22671. within
approved by the Hon.
Mr. Moore

2 - As advised
by Mr. Naylor in

para 2 of his report
prosecutions have lately
been made under the
Forest Act in respect
of offences alleged
to have been committed
in forests which have
been declared to be
protected forests
under sec. 34 of that
Act. But the diffi-
culties in the way
of such prosecutions
proving successful
in cases where the
inquiry & record re-
quired by the Act
have

have not been com-
-pleted are pointed
out in the extracts
from Mr. Naylor's
report quoted in
the office note dated
26-8-90 which
was a consideration
of these very difficult
which led Govt. to
pass the orders con-
-tained in para 2
of their Res. No. 220
dated 26-4-80 to wh
Mr. Naylor refers in
para 2 of his report.

With reference
para 3 of the
Collr's report at
Annexure is respect-
fully invited to his
letter No 1260 dt 24.
which embodied in
the preamble of G.R.
No 950 dt 9-10-84
which explains his
meaning more clearly.
In the present case
it is presumed that
the intention is to
grant Asstt or
Deputy Collrs in Kanara
to

to be Forest Settle-
-ment officers for
both Reserved & Pro-
-tected Forests with
their respective charges.
Under the last clause
of sec: 4 of Act VII
of 1878 the Local
Govt can appoint
any no of officers
not exceeding three,
to perform the duties
of a Forest Settlement
officer under the
Act for any parti-
-cular area. If the
arrangement proposed
by

by the Courts is sanctioned, there will be two Forest Settlement officers for each Taluka in Kanara, i.e., the Asstt or Deputy Collr in charge & Mr Mangalé.

4 - The reply of the Commr, S.D., to the reference made to him in the terms of para 3 of the Chief Secy's note has not been received. It may be awaited

HW 16/9 I much doubt the feasibility of the proposal to appoint two Forest Settlement officers for one & the same tract of country - each

work from his own views of work on his own suggestions of possible future views of suggestions work will not be in accord. Moreover, any such will necessitate a number change of salaries from constantly to time to time; cannot settle down for weeks or months in one particular part of his charge, such cannot be any permanent discharge efficiently carried out by the duties of a F.S.O. of any such will. When the Forest settlement work is at its end on any existing scale.

I was further to issue the following order.

Copy of extract para 2 of Inward A.-A. Office report by the Asst. Cs. should be forwarded to the Commr S.D. of the Conservator of Forests S.C. for information.

2. The Commr S.D. should be requested to explain more fully his proposal that the cost collection in Kanara should be appointed F.S. officers for the talukas in their charge, in addition to Mr. Haig who has been appointed F.S.O. for the entire district, showing more he had in view to appointing the words between the Mr. Haigate, & how they can arrange to perform F.S. work including the issue of notices & the adjudication on claims in addition to their ordinary duties.

3. Mr. Hayes should also be asked to report whether delay the amount of

Gentlemen, I communicate words in
Common already carried out by them.
Bringata, the amount still remaining to
be done, and their performance two.
Programme of words for the coming week
Lesson. It is thereby explained that the,
Bringata shall take in hand at once
those portions of the district where most
injury is being carried on, & must encourage
people under them. The Government by
persons who attempt to withhold them
action for claiming right.

17.9.90 17.9.90

18/9

Forests : Kánara.

No. 6728.

REVENUE DEPARTMENT.

Bombay Castle, 24th September 1890.

Letter from the Conservator of Forests, S. C., No. 305, dated 26th April 1890 :—

"I have the honour to submit for orders the correspondence noted in the margin concerning the question whether forests, gazetted only under Section 34 of the Forest Act of 1878, can be dealt with under that Act or not.

Divisional Officer, S. D., Kánara's No. 339 of 15th November 1889.
Second Class Magistrate's No. 307 of 18th July 1889.
First Assistant Collector's No. 556 of 29th July 1889.
Proceedings of the District Magistrate on Mr. Woodrow's appeal of 14th July 1888.
Judgment of Third Class Magistrate, No. 1 of 1889.
Conservator's No. 5045 of 6th March 1890.
Collector of Kánara's No. 1153 of 15th April 1890.

"2. It seems to me that all forests which have been declared protected or reserved under Section 34 are subject to the provisions of the Forest Act, and that Clauses 2 and 3 of that section have been inserted solely with a view to safeguard any rights that may exist, but which might have been overlooked in the summary reservation of vast areas. But these clauses should completely undermine the legal position, as *protected* or *reserved*, of any forest gazetted under Section 34 appears to be contradictory to the governing clause which declares that such forest shall be treated as *protected* or *reserved*, as the case may be. Again, should the view taken by the Magistrates be correct, Section 34 is apparently aimless, for, if all legal questions concerning such forest must be dealt with under another Code, there could have been no object in inserting the section. Moreover, it is difficult to conceive how forests could be declared *protected* or *reserved* under the Forest Act and yet not be subject to the law governing such forests under the Act.

"3. The difficulty—if there be any—of the Magistrate might easily be overcome as regards protected forest, by a notification to the effect that Government are pleased to make the last clause of Section 28 applicable to all protected forests gazetted under Section 34 (and, it would be well to add, Section 28) of the Forest Act.

"4. But in the case of *reserved* forests, I see no way out of the difficulty, and if it be a real one, it is a serious matter considering the slow progress of settlement and the difficulty of dealing adequately with many forest offences except under the Forest Act."

Memorandum from the Commissioner, S. D., No. 2807, dated 19th July 1890—Submitting the above with his remarks.

Memorandum from the Remembrancer of Legal Affairs, No. 1341, dated 3rd September 1890.

RESOLUTION.—Copy of extract paragraph 2 of the report by the Remembrancer of Legal Affairs should be forwarded to the Commissioner, S. D., and the Conservator of Forests, S. C., for information.

2. The Commissioner, S. D., should be requested to explain more fully his proposal that the Assistant Collectors in Kánara should be appointed Forest Settlement Officers for the táluks in their charge, in addition to Mr. Wingate who has been appointed Forest Settlement Officer for the entire District, showing how he would propose to apportion the work between them and Mr. Wingate, and how they can arrange to perform forest settlement work including the issue of notices and the adjudication on claims in addition to their ordinary duties.

3. Mr. Keyser should also be asked to report without delay the amount of forest settlement and demarcation work in Kánara already carried out by Mr. Wingate, the amount still remaining to be done, and that gentleman's programme of work for the coming fair season. It is clearly expedient that

Settlement of depreciation words in
Lancaster already carried out by Mr.
Livingston. The amount still remaining to
be done, and three settlements more.
Creation of words for the coming fair
season. It is clearly expedient that Mr.
Livingston shall take in hand at once
those portions of the district where most
injury is being caused to it most encroach-
ments made upon the good forests by
persons who attempt to fix ~~[illegible]~~ in
action by claiming rights.

Mr. Mr.
17.9.90 17.9.90

Forests : Kánara.

No. 6728.

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"3. The difficulty—if there be any—of the Magistrate might easily be overcome as regards protected forest, by a notification to the effect that Government are pleased to make the first clause of Section 28 applicable to all protected forests gazetted under Section 34 (and, it would be well to add, Section 28) of the Forest Act.

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3. Mr. Keyser should also be asked to report without delay the amount of forest settlement and demarcation work in Kánara already carried out by Mr. Wingate, the amount still remaining to be done, and that gentleman's programme of work for the coming fair season. It is clearly expedient that

Mr. Wingate should take in hand at once those portions of the district where most injury is being caused to, and most encroachments made upon, the Government forests by persons who attempt to justify their action by claiming rights.

25.9.90

Chief Secretary to Government.

To

The Commissioner, S. D.,
The Conservator of Forests, S. C. (with the accompaniments to his letter).
} With extract paragraph 2 of Mr. Naylor's report.

The Collector of Kánara,
The Forest Settlement Officer, Kánara,
The Remembrancer of Legal Affairs.

No. of 1890.

Copy forwarded for information and guidance to

Notification

With reference to Government Notification No. 5946 of the 20th July 1885 published at page 905 of the Bombay Government Gazette dated the 23rd July 1885 Part I provisionally notified as reserved forests under section 4 of the Indian Forest Act No. of 1878, His Excellency the Governor in Council is pleased to direct that the land specified in the Schedule hereto annexed shall cease from the date of this notification to be forest, in the Karwar Taluka of the Kanara Collectorate.

Copy forwarded

Schedule referred to above

No.	Name of Village	Survey Number	Area disforested	Remarks
1	Kadrá	20	13 33	Part of

Camp Wadeshecklí
26th March 1890

Runningole
Forest Settlement Officer
Kanara

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Chief Secretary to Government.

To

The Commissioner, S. D.,
The Conservator of Forests, S. C. (with the accompaniments to his letter). } With extract paragraph 2 of Mr. Naylor's report.
The Collector of Kánara,
The Forest Settlement Officer, Kánara,
The Remembrancer of Legal Affairs.

No. of 1890.

Copy forwarded for information and guidance to

~~Telegram~~

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1.	Kadrá	20.	13 33.	Part of

Camp Wadestuckli
26 March 1890

R Minty
Lt Col Commissr

Forests Kánara.

No 7038.

REVENUE DEPARTMENT.

Bombay Castle, 4th October 1890.

Letter from the Commissioner, S. D, No 1460, dated 5th May 1890:—

"I have the honour to submit draft notifications for the disforestment of two small patches of land in the Kánara Forests.

Hanmapur.
Acres 7—18 of No 15

Kádra.
Acres 18—33 of No 20

"2. Of the first the Collector writes* the land in question is a narrow strip of jungle covered with thick bamboos. It stretches into the cultivated land and forms cover for pigs and other animals, and its presence causes the cultivators of the village loss

* Letter No 1231 of 26th April 1890

'The Revenue and Forest Officers agree as to the desirability of disforesting this portion

"3 The second it is proposed to give in cultivation to enable the occupant of the adjacent holding to divert a nála. Without doing this a large expenditure of capital on land already reclaimed (estimated† by the Collector at Rs. 7,000) will be thrown away.

† Letter No 1280 dated 26th April 1890.

'4 It is so essential to encourage cultivation in Kánara, and the forest area is so large that there can be no objection to the proposed disforestment in either case."

Letter from the Conservator of Forests, S C., No. 2677, dated 22nd September 1890:—

"In returning the papers received with Government endorsement No. 3307 of the 15th May last, I have the honour to report that there is no objection to the portion of Survey No. 15 of Hanmápur and of Survey No. 20 of Kadra being disforested.

"2. Survey No. 20 of Kadra has only been notified as proposed Reserved Forest under Section 4 of the Forest Act, so I do not think it necessary to publish in the *Gazette* a notification of disforestment.

"3. In case it is decided to give out portions of the numbers for cultivation, the trees standing on them should be disposed of by the Forest Department."

RESOLUTION.—The draft notification concerning the portion of Survey No. 15 of Hanmápur should be published in the *Bombay Government Gazette*.

2. The notification under Section 4 of the Forest Act in respect of the portion of Survey No. 20 of Kadra referred to should be considered as cancelled.

3. The trees standing on the lands excluded from forests should be cleared and disposed of by the Forest Department in case the lands are given out for cultivation.

Acting Under Secretary to Government.

To

The Commissioner, S. D.,
The Collector of Kánara,
The Forest Settlement Officer, Kánara,
The Conservator of Forests, S. C.

No. of 189

Bombay Castle, 4th October 1890.

Letter from the Commissioner, S. D., No. 1460, dated 5th May 1890 :—

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Acres 13–33 of No. 20.

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"4. It is so essential to encourage cultivation in Kánara, and the forest area is so large that there can be no objection to the proposed disforestment in either case."

Letter from the Conservator of Forests, S. C., No. 2077, dated 22nd September 1890 :—

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Acting Under Secretary to Government.

To

The Commissioner, S. D.,
The Collector of Kánara,
The Forest Settlement Officer, Kánara,
The Conservator of Forests, S. C.

No. of 1890.

Copy forwarded for information and guidance to

REVENUE DEPARTMENT.

Bombay Castle, 4th October 1890.

No. 7038.—With reference to Government Notification No. 15*F* of the 1st March 1879 published at pages 221—228 of the *Bombay Government Gazette* of the 6th idem, Part I, His Excellency the Governor in Council is pleased to direct that the land specified in the schedule hereto annexed shall cease from the date of this Notification to be Protected Forest in the Mundgód Pótha of the Kánara Collectorate :—

Schedule referred to above.

Name of Village.	Survey No.	Area disforested.
		A. g.
Hanmápur	Part of 15	7 18

By order of His Excellency the Right Honourable the Governor in Council,

J. NUGENT,
Chief Secretary to Government.

No 2212 of 1890/91 11

From,

The Conservator of Forests,
Southern Circle,

To,

The Under Secretary to
Government, Revenue
Department, Bombay.

RECD
AUG 22
1890

Belgaum 19th August 1890

Sir,

May I request the favou
of being permitted to submit a fe
remarks on one or two of the Rule
Contained in Government Reso-
lution No 5652 of 13th August 1890,
before the final draft is approved
by Government, as I perceive that
the objects and reasons of the
Committee

Committee in framing some of the rules were not sufficiently explained, or not explained at all, in the Explanatory Chapter.

Para 11 of the Resolution-

2. "The rule, referred to in this Paragraph, prohibits the cutting and removal of "any tree, or log, whose Circumference at a height of 5 feet from the ground exceeds 24 inches." This rule would be effective only in those Cases in which persons were caught in the act of cutting down trees exceeding the Circumference-limit, or in removing pieces of wood

at

at least 3 feet long. It is extremely difficult to detect offenders in the act of cutting. They can easily wait until the beat Guard is known to be miles away and then cut the trees they require with perfect impunity. No villager - official or non-official - would dream of reporting an act of this kind, unless he had some special grudge against the offender, and there can be no difficulty in evading the vigilance of Guards whose average beat comprises a forest area of 17 square miles. Offences of this kind when brought to light are nearly always detected after the trees have been cut down and cut up into short lengths

lengths. It takes time to bring in the wood; Carts are required, Roads or Cart-tracks have to be utilized; and the danger of detection Commences after the material has been Cut. But when the wood has been Cut up into logs, and when the stumps from which it grew are not traceable, who is to say what the Circumference of the tree, or log, from which it was derived, was at five feet from the ground? Many short pieces of wood are required for Certain purposes — e.g. Mills — which must be taken from trees of large Circumference, and No Magistrate would Convict

Convict an offender under the fore-
-posed rule unless the pieces found in
his possession were five feet in length
and exceeded 24 inches in circumfere.
at five feet from the thicker end. To
meet cases of this kind, I think it
will be found necessary to fix the
maximum circumference admissi-
-ble at the thicker end.

Para 13-

3. In prohibition 14, it is proposed
to add the words "or by wild ani-
-mals."

4 Many of the ditches dug by
Cultivators are several hundred feet
from their cultivated land. These
ditches are a great obstacle to
locomotion in the forest and to the
extraction

extraction of produce. They are Quite impassable to man, being generally 6-10 feet deep and broad, and are not necessary for the protection of Crops from wild animals, if only for the reason that Cultivators are at liberty under the rules to dig similar ditches round the 66 feet clearing allowed under the rules.

Para 35—

5. The only produce in Beet-lands to which the garden-proprietors have any right is Kāb. Trees and minor produce, such as Harda and Shigekai, both valuable products, are the property of Government. Other villagers

Kāne

have just as much right to the grazing as the garden-proprietors, and it was chiefly this fact that prevented the Committee's recommending that the whole area under kut should be absolutely closed to the pasturing of outsiders' cattle. The harda-fruit is a valuable product chiefly obtained from the kut land in the garden-tracts, and is yearly collected and sold by Government. The garden-proprietors pay no assessment for their kut rights and have no claim whatever to keep out other people. The ditches, as I have already explained, are mostly 6-10 feet deep and wide, and quite impassable except by means of a bridge. Unfortunately these arguments against the digging of the

were not noted in the report al-
-though they were fully discussed
by the Committee. The objections
to dikes were, however, fully set
forth in the Divisional Officer's Mem
-randum on the settlement of 46
villages submitted to Government
with my No 5331 of 4th March 1889;
and Government in their Resolution
No. 8772 of 19th November 1889 decided
that villagers should Confine their
excavations to their own land.

6. Nor was the right
of Government to the trees
and minor produce referred
to in the report, - probably because
the right is not disputed, and the

purpose for which the right to rāb was accorded to owners of garden land was to enable them to obtain green vegetable manure for their gardens and nothing else.

Para 37—

Rule 4 of the ber-rules made in the interest of the regeneration of the ber-forest. If fires occur renewal of the older trees, which are gradually raked to death, by means of seedlings cannot be effected either naturally or artificially. The rāb-holders themselves are in the habit of firing the rāb-lands to promote the growth of grass, so that, unless they are made responsible for fires occurring in their rāb-areas, it will

be quite impossible to keep out fires. If the proposed rule can be introduced, it would perhaps be desirable to substitute for it one prohibiting the burning of leet-lands.

Para 5

8. With reference to the recommendation of Mr Davidson that the extension of garden-cultivation be permitted, I trust that it is not the intention of Government that fresh land shall be taken up for that purpose outside the holdings of Cultivators who are now largely extending their gardens by converting rice-land into garden-land, and thereby increasing the demand

on the best supply which they already declare to be insufficient. In regard to this subject I can say no more than I said in my memorandum on 46 villages of Sirsi, above referred to. I firmly believe that the whole of the forests of Sirsi and Siddapur as well as large forests elsewhere and with them the gardens, will disappear, if the extension of Supari-gardens is allowed.

I have the honor to be,
Sir,
Your most obedient Servt

J. L. Macdougall
Conservator of Forests
Southern Circle.

2554.

Land & Revenue.

Letter from the Commissioner of Lands, Southern Circle, No. 2212, dated 17th August 1870 - submitting his remarks on some of the rules contained in Government Resolution No. 5857, dated 13th idem

---

Secretary

It is for Government to decide whether the orders passed in Government Resolution No. 5857 dated 13th August 1870 should be reconsidered with reference to the points discussed by the Commissioner in the present letter. Perhaps the Revenue Chapter letter may be forwarded to the Commissioner, S.D., for remarks.

MW 28

Kumpti 28/8/70

Some of the Land Revenue

6/2/90

REVENUE DEPARTMENT

To

Bombay Castle 29th August 1890

Forwarded for [illegible] Commissioner S.D.

For favour of ~~report~~ any remarks he may please to offer

Chief ~~Under~~ Secretary to Government.

No 3230 of 1890

Confidential

Poona 30 August 1890

confidential

Forwarded to Mr Longate Inam Settlement Officer for the favor of his opinion which he is asked to state unreservedly

Depr Keeper
A/C Commissioner S.D.

No 95 of 1890

Dharwar 4th September 1890.

Returned to the Commissioner S.D. with remarks on a separate sheet

R. T. Longate
Asst. S. Officer
Kaira

Encl: Minute.

Letter from the Commissioner of Police, Colombo, No. 2212, dated 27th August 1890 - submitting his remarks on some of the suggestions contained in Government Resolution No. 5857, dated 13th idem

---

Submitted.

It is for Government to decide whether the orders passed in Government Resolution No. 5857, dated 13th August 1890, should be reconsidered with reference to the points discussed by the Commissioner in the present letter. Perhaps the Police letter may be forwarded to the Commissioner, C.D., for remarks

Kingsmill
28/8/90

Some of the suggestions are
Worthy of notice.

WWC

No 612/ of 1890

REVENUE DEPARTMENT.

Bombay Castle 29 August 1890

Forwarded to the Commissioner S.D.

for favour of any remarks he may please to offer.

Chief Secretary to Government.

No 3230 of 1890

Confidential

Poona 30 August 1890

Confidential

Forwarded to W. Lovegate Incm. Settlement Officer for the favor of his opinion which he is asked to state unreservedly

Upadhye
A/C Commissioner S.D.

No 95 of 1890

Dharwar 4th September 1890.

Returned to the Commissioner S.D. with remarks on a separate sheet

R. T. Wright
Asstt. S. Offr.
Kanara

Government Items. (Revenue department) No. 6121 of 29th August 1890 and accompaniment.

No. 3559 of 1890.

Belgaum 12/15 September 1890.

Returned with compliments

The undersigned referred the papers to Mr. Waigate, whose acquaintance with the Kanara forests is as extended as his own is slight. That gentleman has written freely on the objects raised in a demi-official letter of which a copy is appended.

As to Mr. Macgregor's first contention it is admitted that

that it is necessary to take the measurement of the trees, cut, at the base, and in order to not unduly limit the size of the trees to be cut, it is suggested that the limit of measurement be 32 inches at the base.

2 The ditches objected to can hardly be condemned as a wantonly superfluous precaution. If they were, it is not reasonable to suppose that they would have been dug at great labour and expense by the cultivators.

3 The small ditches dug in the immediate vicinity of the valuable

Spice

Spice gardens are not sufficient protection, and Mr Waigate's suggestion to omit the word "wild" before animals in the amendment proposed by Government appears reasonable.

3 Mr MacGregor's objections to hoarding valuable forest produce in beta lands are well founded. The suggestion to give those who had beta rights other produce was based on convenience and the undersigned still thinks it would be advisable to exclude cattle from outside villages from beta-lands; as Colonel Peyton says, the Kaimara forests are surely

barely sufficient to provide for all.

4. The undersigned agrees in thinking rule 4 too vague. No penalty attaches to the breach of it. It would perhaps be scarcely practicable to close beta lands if fires occurred, but it may be hoped that if the cultivators see it is to their interest to preserve beta lands they may be induced to assist to preserve them from fires. This is a strong argument for excluding outside cattle, as it is generally accepted that the grass is frequently wantonly fired before the Spring rains, in order that after

after the latter fall the grazing may be improved.

5- Mr Mackenzie's para. ~~expt~~ as to the danger of permitting any extension of garden cultivation seems ill-founded. The most valuable products in Kanara are certainly the spices grown in the gardens, and to attempt to curtail them because the area under forest would be slightly lessened appears contrary to the best interests of the country. But the garden cultivation, limited as it is by the difficulty of procuring labour, is absolutely dependent on the

the moisture preserved in the soil by the forest growth and its extension at any serious cost to the forests appears highly improbable. This dependence too must be known to the holders of the gardens who are usually men of substance and of some education.

6 The undersigned submits these remarks with some diffidence, but the questions at issue are scarcely such as require very great study or prolonged experience.

Superintendent

Agri-Horticultural Society

Okanagan
September 4th 1890

Dear Mr Keeper

Yesterday I had a talk with Colonel Payne on the several points raised by MacGregor. The first, about cutting trees taking the circumference at 5 feet from ground. I quite agree with Mr MacGregor that detection of offences would be difficult if the size of the tree is taken anywhere but at the base, but at the same time 24 inches at the base will only allow of very young and small trees being cut, in fact they would be mere sap-wood and of little use to the cultivator, not half strong enough

the moisture preserved in the soil by the forest growth and its extension at any serious cost to the forests appears highly improbable. This dependence too must be known to the holders of the gardens who are usually men of substance and of some education.

6 The undersigned submits these remarks with some diffidence, but the questions at issue are scarcely such as require very great study or prolonged experience.

Alex Kuper

Ag/Commissioner S.A.

Ottawa
September 4 1890

Dear Mr Keyser.

Yesterday I had a talk with Colonel Peyton on the several points raised by Macgregor. The first point cutting trees, taking the circumference at 5 feet from the ground. I quite agree with Macgregor that detection of offences would be difficult if the size of the tree is taken anywhere but at the base, but at the same time a guide at the base will not allow of the young and small trees being cut, in fact they would be mere sap-wood and of little use to the cultivator; but half strong enough

to build a cattle-shed for instance. It is evidently the intention of Government to allow of larger trees than those with a 24 inches base circumference being cut; and I think the solution of the question would be to increase this to a circumference, say to 32 inches, This is Colonel Peyton's opinion would give a 24 inches circumference at a few feet from the ground.

I cannot hold with Mr. Gregor's second objection that the ditches he refers to, if even at a distance of several hundred feet from the cultivation have been dug at great trouble and

expense

expense by the people, and the work would never have been undertaken had it not been essential to the cultivation to obstruct these ditches being repaired in any way will I am sure lead to great friction, and just cause of complaint. I would suggest that the word animals be used in the rule, striking out "wild", for the ditches are intended to keep out cattle as much as anything else.

With regard to Mr Jeffcott's 5th para I quite agree with in thinking that Government have a good deal of valuable property in the Belle Isle and that it would never

do

do to give the people the idea
that they have their rights than
that of pollarding. There is not
the smallest doubt that it would
be a good thing to allow of ditches
being dug round Betta lands, and
outside cattle excluded, and in
instances where this has already
been done they are in a far better
state of preservation than those
which have been left open. It is
a question however whether sufficient grazing could be
found outside and there is no
doubt that in some cases the
non-Betta holders would
suffer. If the system of pollarding
could be adopted, it will
be

be necessary to make, that the
collection of birds, skins, or other
produce the property of Govern-
ment must in no way be
interfered with by the Betta
holders. Colonel Peyton is I
think in favor of allowing
districts to be duly and the Bett
lands closed to outsiders. Sa
ing he thinks, there is enough
all in the Kanara forests.

I am quite at one with
Inspector as regards fires, th
Betta holders do burn for gra
and a rule prohibiting the
practice should I think cer
tainly have its place in the Co
At the same time Inspector
Shortt

should remember that the very
ditches round his cultivation and
Bella lands which he so condemns
are the best protection he has
against fire. I cannot think
that Government would wish
in any way to curtail the magni-
ficent Rabi cultivation in Kanara
as Macpherson seems to suggest
and must eventually a commu-
nity of perhaps the most thrif-
ful cultivators in India. These
people through ignorance
have undoubtedly been
drawing upon capital as regards
their Bella lands, but I have
always maintained that when

Grey.

they realize the new state of things, and work with economy, so that all will be well, and as Colonel Peyton says enough will be found for all.

Yours sincerely,
Sd/ R.T. Wingate

True copy.

Accountant
A/Commissioner S.D.

No 1397 of 1890.

From,

The Remembrancer of Legal Affairs.

To,

The Chief Secretary to Government,

Revenue Department.

Sir,

Dated 15th September 1890.

I have the honor to submit herewith a re draft of the Rules for the Protected Forests of the Ramara district, which I was directed in Government Resolution No 5652 of 13th August, 1890 to revise.

2. As all the rules have to be made under the one section (section 31) of the Forest Act and all infringements of the rules are punishable under the single clause (b) of section 32 of that Act, it has seemed to me desirable to incorporate both the Committee's sets A and B into one. It has also seemed to me better to place the "Prohibitions" last, next of first.

3. I have endeavoured to embody all the Committee's proposed regulations, as far as approved by Government, but I have had to make a few exceptions. Their Rule A.1(6) I have omitted because the same thing is already specifically provided for in section 32(2) of the Forest Act. Their Rule A.1(7) I have also omitted because the destruction or injury in any way of reserved trees is provided against in section 32(a) of the Act and trees can only be legally reserved by a notification under section 9(a) of the Act. For convenience of reference, however, I propose to annex the notification already issued by Government under that section for the protected forests of Thánara & the rules as an Appendix. For a similar reason I have not reproduced Rule B 3(2) of the Committee's draft. I am not quite sure about the Committee's Rule 9-18, but I have reproduced it in my

my re-draft as Rule 8 (b), under the impression that it is intended to allow reserved trees to be cut under permits, excepting the kinds specified in this rule.

4. I have indicated in the margin of my re-draft the corresponding numbers of the Committee's rules.

5. With reference to paragraph 29 of the Government Resolution under reply, the Committee's Rule 5 appears to me to be within the scope of clause (d) of section 31 of the Forest Act and I have accordingly re-produced it as Rule 18 in my re-draft.

6. In reply to paragraph 34 of the Government Resolution, I think that the Committee's Rule B 4 is a reasonable one, although it will be difficult to enforce. It re-appears in a modified form as Rule 6 (b) in my draft and failure to comply with it, when it can be proved, will be punishable

2803#

as a breach of the rules.

I beg to return herewith the papers which accompanied the Government Resolution under reply.

I have the honour to be,
Sir
Your most obedient Servant

Remembrancer of Legal Affairs.

I have been compelled in this case to place in C 56 Part 2 letter

2836-A.

2803-A.

Subd. for ordrs.

If the views
expressed by the Co
S. D., with reference
to Mr. MacGregor's
remarks are approve
alterations will be
needed in the draft
rules subd. by the
Recr. of Legal Affrs
noted below
as follows—

Part I

In rule 1 (a),

for the words "24
inches in girth at a
height of five feet

four

(1)

rom the ground"
will have to be sub-
tituted the words
32 inches in girth
t the base". →

Part II.

le 5 (1) (c) — It
for consideration
ether in view of
remarks made
paras 5 & 6 of Mr
e Gregor's letter &
ara 3 of Mr Kepar's
nemo: this clause
ld be altogether
mitted or whether
the

I think sufficient cause has been shown to warrant the adoption of the proposed modification.

M

But if 1(a) is altered as proposed 2a must 1(b). The Commission not expect to catch the marau down the tree, but when he the logs away. The honest m under this proposed alteration with taking away logs exceedi 24 inches inches in circumfere when he had in reality only cu down a tree 32 inches in circumfer at 12 base. 1(b) shd also be alter to 32 inches at the thicker end

H.

the words "except birds & plicketai" shd be inserted after the word "produce"

Part IV.

In rule 22 (c) the words "or by animals" will have to be added after the word "floods"

2. With reference to para 7 of Mr Mac Gregor's letter & para 4 of Mr Keyser's memo it will

The draft rule gives to the occupant in whose cultivated land any area of waste land is comprised the exclusive right to

(1) lop the unreserved trees & shrubs on the waste lands

(2) the grazing on the waste land

[3] the minor forest produce on such land

To (1) there can be no possible objection. The occupant has a limited & restricted right to (2). As regards [3] kindred & similar words may & shd be inserted to give as large an enjoyment as possible. I wd add these after (c) "other minor kindred & similar products which are reserved to Govt"

Hm.
14

wd add "or by cattle or wild animals"

Hm.
14

will be seen from para 6 of the Legal Rem's letter that he considers rule B-4 originally proposed by the Committee to be a reasonable one, & it appears in part II of his draft as rule 6(f). The rule may, therefore, be retained. →

Yes. in the form proposed by the Legal Rem's. hm A

3. In view of the remarks contained in para 6 of Mr Keyser's memo:

it does not appear
necessary to modify
the orders passed
in par. 5 of G. R. No.
5652 d/ 13.8.90 re-
garding the extension
of garden cultivation
& the rules as
finally approved by
Govt will have to be
provisionally published
in the Govt Gazette
& locally in Kanara
with a view to ascer-
tain whether any
valid objections are
taken thereto by

I decidedly think this thing should stand.
do
do
W.
A.

persons affected by the rules.

MMC 7/10 Please see marginal notes.

The rules with the alterations suggested may now be provisionally published

Hm.
6-10-10 8.10.10

From the Minister

We the Govt

I have initialled the marginal notes in token of assent. No other alteration is appears necessary

Please see my marginal note on 1(a). Otherwise amendments approved.

N 10-10

The Hon the Minister

I concur but in view of H.E.'s written in his marginal note on 1(a)

10.10.10 Hm
13/10

Rules under the Indian Forest Act for the regulation of privileges in Protected Forests in the Kánara District.

No. 7429.

REVENUE DEPARTMENT.

Bombay Castle, 20th October 1890.

Letter from the Conservator of Forests, ...ern Circle, No. 2212, dated 19th August 1890—Submitting his remarks on some of the rules contained in Government Resolution No. 5652, dated 13th idem.

Memorandum from the Commissioner, S. D., No. 3559, dated 12th September 1890—Submitting his remarks on the above.

Letter from the Remembrancer of Legal Affairs, No. 1397, dated 13th September 1890—Submitting with reference to paragraph 40 of Government Resolution No. 5652, dated 13th August 1890, a re-draft of the rules for the Protected Forests of the Kánara District; and making remarks.

RESOLUTION.—On consideration of the further remarks submitted by the Conservator of Forests, S. C., with reference to Government Resolution No. 5652, dated 13th August 1890, and the views expressed thereon by the Commissioner, S. D., His Excellency the Governor in Council is pleased to pass the following orders.

2. In the rule which appears as 1 (*a*) in the draft submitted by the Remembrancer of Legal Affairs for the words "24 inches in girth at a height of five feet from the ground" should be substituted the words "32 inches in girth at the base." Sufficient cause has in the opinion of the Governor in Council been shown by the Conservator of Forests and the Commissioner to warrant this modification. This alteration of Rule 1 (*a*) necessitates a corresponding alteration of Rule 1 (*b*), in which the words "32 inches at the thicker end" should be substituted for the words "24 inches in circumference."

3. The rule referred to in paragraphs 5 and 6 of Mr. MacGregor's letter and paragraph 3 of Mr. Keyser's memorandum, which appears as Rule 5 (1) in Mr. Naylor's draft, gives to the occupant to whose cultivated land an area of beta land is assigned the exclusive right to—

(1) lop the unreserved trees and shrubs on the beta land,

(2) the grazing on the beta land,

(3) the minor forest produce on such land.

To (1) there can be no possible objection. The occupant has in the opinion of the Governor in Council a valid and reasonable right to (2). As regards (3) birdas and shikákái may and should be reserved to Government as they are everywhere else. The words "other than birda and shikákái which are reserved to Government" should therefore be added at the end of Rule 5 (1) (*c*).

4. The words "or by cattle or wild animals" should be added after the word "floods" in Rule 22 (*e*) of the Legal Remembrancer's draft.

5. With reference to paragraph 7 of Mr. MacGregor's letter and paragraph 4 of Mr. Keyser's memorandum it is observed that the Remembrancer of Legal Affairs considers Rule B 4 originally proposed by the Committee to be a reasonable one, and it appears in his draft as Rule 6 (*f*). The rule may therefore be retained in the form proposed by the Legal Remembrancer.

6. In view of the remarks contained in paragraph 5 of Mr. Keyser's memorandum, His Excellency the Governor in Council is of opinion that the orders passed in paragraph 5 of Government Resolution No. 5652, dated 13th August 1890, regarding the extension of garden cultivation should not be modified.

Revisions affected

the rules.

MMC 7/10 Please see marginal note.

The rules with the alterations suggested may now be provisionally published

MM 8.10.90 8.10.90

Mrs Mrs Moore

MC Mrs Moore

I have initialled the marginal note in terms of agenda - no other alterations appear necessary

Please see my marginal note on 1(a). Otherwise amendments approved.

N 10-10

Mrs Mrs Moore

I consider that the effect of the deletions in the marginal note on 1(a)

Rules under the Indian Forest Act for the regulation of privileges in Protected Forests in the Kánara District.

No. 7423.

REVENUE DEPARTMENT.

Bombay Castle, 20th October 1890.

Letter from the Conservator of Forests, Southern Circle, No. 2212, dated 19th August 1890—Submitting his remarks on some of the rules contained in Government Resolution No. 5652, dated 13th idem.

Memorandum from the Commissioner, S. D., No. 3559, dated 12th September 1890—Submitting his remarks on the above.

Letter from the Remembrancer of Legal Affairs, No. 1397, dated 13th September 1890—Submitting with reference to paragraph 40 of Government Resolution No. 5652, dated 13th August 1890, a re-draft of the rules for the Protected Forests of the Kánara District; and making remarks.

RESOLUTION.—On consideration of the further remarks submitted by the Conservator of Forests, S. C., with reference to Government Resolution No. 5652, dated 13th August 1890, and the views expressed thereon by the Commissioner, S. D., His Excellency the Governor in Council is pleased to pass the following orders.

2. In the rule which appears as 1 (*a*) in the draft submitted by the Remembrancer of Legal Affairs for the words "24 inches in girth at a height of five feet from the ground" should be substituted the words "32 inches in girth at the base." Sufficient cause has in the opinion of the Governor in Council been shown by the Conservator of Forests and the Commissioner to warrant this modification. This alteration of Rule 1 (*a*) necessitates a corresponding alteration of Rule 1 (*b*), in which the words "32 inches at the thicker end" should be substituted for the words "24 inches in circumference."

3. The rule referred to in paragraphs 5 and 6 of Mr. MacGregor's letter and paragraph 3 of Mr. Keyser's memorandum, which appears as Rule 5 (1) in Mr. Naylor's draft, gives to the occupant to whose cultivated land an area of beta land is assigned the exclusive right to—

(1) lop the unreserved trees and shrubs on the beta land,

(2) the grazing on the beta land,

(3) the minor forest produce on such land.

To (1) there can be no possible objection. The occupant has in the opinion of the Governor in Council a valid and reasonable right to (2). As regards (3) hirdás and shikákái may and should be reserved to Government as they are everywhere else. The words "other than hirda and shikákái which are reserved to Government" should therefore be added at the end of Rule 5 (1) (*c*).

4. The words "or by cattle or wild animals" should be added after the word "floods" in Rule 22 (*i*) of the Legal Remembrancer's draft.

5. With reference to paragraph 7 of Mr. MacGregor's letter and paragraph 4 of Mr. Keyser's memorandum it is observed that the Remembrancer of Legal Affairs considers Rule B 4 originally proposed by the Committee to be a reasonable one, and it appears in his draft as Rule 6 (*f*). The rule may therefore be retained in the form proposed by the Legal Remembrancer.

6. In view of the remarks contained in paragraph 5 of Mr. Keyser's memorandum, His Excellency the Governor in Council is of opinion that the orders passed in paragraph 5 of Government Resolution No. 5652, dated 13th August 1890, regarding the extension of garden cultivation should not be modified.

7. Subject to the alterations noted above the draft rules submitted by the Remembrancer of Legal Affairs are approved.

8. The rules should be published provisionally in the *Bombay Government Gazette* for general information and with a view to ascertain whether any valid objections are taken thereto before they are legally enforced as required by the Resolution of the Government of India, No. 49—1791-1807, dated 8th November 1882.

9. A copy of the rules should be forwarded to the Oriental Translator to Government with a request that he will be good enough to translate them into Kánarese and forward the translation when ready to the Superintendent, Government Central Press, who should supply printed copies to the Collector of Kánara in accordance with that officer's requirements, which should be communicated direct to the Superintendent of the Press.

10. The Collector should be requested to publish the rules in one or two local newspapers and to distribute copies of the translation as widely as possible over the parts of the district affected by the rules.

Acting Under Secretary to Government.

To

The Commissioner, S. D.,
The Collector of Kánara,
The Forest Settlement Officer, Kánara,
The Conservator of Forests, S. C.,
The Remembrancer of Legal Affairs,
The Oriental Translator to Government.
} With copies of the Rules.

The Superintendent, Government Central Press.

No. of 1890.

Copy forwarded for information and guidance to

REVENUE DEPARTMENT

Bombay Castle, 20th October 1890

No. 7429.—The Governor in Council is pleased to direct the publication of the annexed Draft Rules which it is proposed to make under Section 31 of the Indian Forest Act (VII of 1878) for the protected forests of Kanara and to give notice that any objection thereto or suggestion regarding the same which is received in the office of the Chief Secretary to Government, Revenue Department, not later than the 3rd of January 1891 will be taken by the Governor in Council into his consideration.

Draft Rules

In supersession of all previous orders on the same subjects, the Governor in Council is pleased, in exercise of the power conferred by Sect. n 31 of the Indian Forest Act (VII of) 1878, to make the following rules to have effect in and for the protected forests of the district of Kanara on and after the of 189 , (namely)

Part I.—General Privileges

Articles of forest produce which may for certain purposes be removed without payment

1. Subject to the provisions of Rule 2, any person may, without payment or license, cut or collect and remove for the purpose or one of the purposes, if any, hereinafter specified, any of the following articles of forest-produce, viz.—

Articles	*Purposes*
(*a*) Unreserved* trees not exceeding 32 inches in girth at the base	The repair of huts, cattle-sheds, dams and agricultural implements.
(*b*) Dead-wood of unreserved trees not exceeding 32 inches at the thicker end, nor four feet in length	Fuel.
(*c*) Barren sago and other palms	Water-courses.
(*d*) Thorns and bushes of unreserved species	Dams and fencing
(*e*) Dead leaves and grass	Manure and fodder.
(*f*) Tali palms	Food.
(*g*) Leaves and creepers	

Provisions to which the privileges conferred by Rule 1 are subject

2. The privileges allowed by Rule 1 are subject

(*a*) to the prohibitions contained in Rule 22, and

(*b*) to the proviso that no forest produce be removed unless the same is *bonâ fide* required for the purpose or one of the purposes, if any, specified in Rule 1 as a purpose for which such produce may be taken,

(*c*) to the proviso that no forest-produce obtained under Rule 1 be used for purposes of trade or for the manufacture or preparation for sale or barter of any article of trade;

(*d*) to the proviso that none of the said privileges be exercised in any portion of a protected forest which is closed by order of Government under Section 29 of the Forest Act, or which is set apart as a beta-assignment;

(*e*) to the proviso that no such privilege be exercised by any person except in a protected forest which is within the limits of, or has been set apart for the use of, the village in which such person resides and, in the latter case, to the further proviso that no such privilege be exercised by any person without his first of all producing to the officer in charge of the protected forest a permit from his village officer.

Cultivators having no beta assignments may have tree loppings for cattle-bedding and manure

3. (1) Subject to the provisions of clauses (*a*), (*c*), (*d*) and (*e*) of Rule 2, any cultivator who has no beta-assignment and who requires green leaves and branches for his own use for cattle-bedding or manure may lop unreserved* trees for the purpose of supplying his requirements: provided that he do not lop within ten feet of the summit of any such tree.

(2) When the jungle consists of low coppice, any such cultivator may, subject as aforesaid and for the purpose aforesaid,

(*a*) lop unreserved* trees to within ten but not within five feet of their summits, and

(*b*) cut and remove unreserved bushes and stool-shoots provided that the leading shoot be not cut in any case.

Clearance of undergrowth around garden lands

4. Any occupant of garden-land may:

(*a*) cut and remove all under-growth to a distance of 66 feet in every direction from the boundary of his holding: provided that he keep the cleared belt always sufficiently demarcated to the satisfaction of the Conservator of Forests by means of forest boundary-stones, earthen bunds or other marks approved by the said Conservator;

(*b*) Dig a ditch on the inner edge of such clearing separating it from the rest of the forest.

* See Appendix

Part II.—Private Rights in beta-assignments.

Extent of rights in beta-assignments.

5. (1). The occupant of garden land to which a beta-assignment has been allotted at a settlement, is exclusively entitled within the limits of his assignment, and subject to the provisions of Rule 6 :

(*a*) to lop unreserved* trees and shrubs in order to supply himself with green leaves and branches for the purpose of manuring his said land ;

(*b*) to the grazing ;

(*c*) to all other minor forest-produce, other than hirda and shikakai, which are reserved to Government.

(2) All other forest-produce in every such beta-assignment is the property of the State.

Provisions to which the rights recognized in Rule 5 are subject.

6. The exercise of the right described in Rule 5 is subject to the following provisions :—

(*a*) that no tree be pollarded, *i.e.* that no part of the stem be cut off ;

(*b*) that, except when the jungle consists of low coppice, no tree or shrub be lopped within ten feet of its summit ;

(*c*) that when the jungle consists of low coppice, no tree or shrub be lopped within five feet of its summit ;

(*d*) that no branch or portion of a branch be cut which at the cut end exceeds nine inches in circumference ;

(*e*) that land be not broken up except for the purpose of digging or repairing a ditch around but within the limits of the assignment ;

(*f*) that the occupant of garden-land to which a beta-assignment has been allotted as aforesaid use every reasonable precaution and vigilance to prevent the occurrence of a fire in such assignment and to prevent fire reaching the assignment from outside thereof.

Part III.—Permits.

Applications for forest-produce under permits how and to whom to be made.

7. If any inhabitant of the Kánara District requires for his own use or for any purpose named in Rule 18 any forest-produce which he cannot obtain under any of the foregoing rules, he shall submit a written application for the same to the Range Forest Officer in charge of the sub-division in which he wishes to procure it, specifying the kind and quantity of produce he requires and the purpose for which he requires it.

Provisions restricting the grant of permits.

8. Applications under Rule 7 for timber will only be received, except in very emergent cases, between the 1st June and the 1st November ; and no application under the said rule will be granted :

(*a*) if in the opinion of the officer to whom it is made or referred, it is not reasonable ; or

(*b*) unless a reasonable time has elapsed since the applicant obtained forest-produce of the same description before ; or

(*c*) if the produce required by the applicant can be conveniently obtained by him from a depôt or at an auction or otherwise ; or

(*d*) unless it is satisfactorily shown that the produce is *bonâ fide* required by the applicant for his own use for the specified purpose or for any purpose named in Rule 18 ; or

(*e*) in case it is for timber, if the applicant has, on his own estate, trees other than fruit trees suitable for supplying his requirements ; or

(*f*) if it is for the timber of trees of any of the following species, viz. :—

Sagwan	...	Tectona grandis.
Bitti	...	Dalbergia latifolia.
Honi	...	Pterocarpus marsupium.
Surhoni	...	Calophyllum elatum.
Gandhadamara	...	Santalum album.
Abnus	...	Diospyrus ebenum.
Shiwani	...	Gmelina arborea.

Applications for permits by whom to be disposed of.

9. The Range Forest Officer may dispose of all applications made to him under Rule 7, except applications for timber in quantities exceeding 150 cubic feet, which he shall refer to the Divisional Forest Officer for his orders.

What a permit may authorize.

10. When an application is granted, a permit shall be issued to the applicant by the Range Forest Officer authorizing him to cut or collect and remove the forest-produce in respect of which it is given, within a period which shall be specified in the permit. If trees are to be cut, they shall be marked and the permit shall specify their situation, number and kinds and their maximum diameters at breast-height. No permit shall be given for cutting or removing wood at any time between the 31st May and the 31st October, except in very emergent cases.

Forest-produce obtained on permits to be paid for.

11. Forest-produce obtained on permits shall be paid for at such rates as Government shall from time to time direct ; and measures shall be taken by the Conservator for causing the said rates to be duly published.

Purchase-money when to be paid.

12. (1) Twenty-five per cent. of the purchase-money shall be deposited by a permit-holder at the time of the issue of the permit, and this amount will be forfeited to Government, should the forest-produce not be cut or collected and removed within the period specified in this behalf in the permit. The balance of the purchase-money shall be paid before any forest-produce is cut or collected.

Period of permit may be extended.

(2) If reasonable cause is shown by a permit-holder for delay, the Divisional Forest Officer may, at his discretion, from time to time extend the period specified in his permit.

Village officers to be informed of issue of permits.

13 Due intimation of the issue of a permit, with all necessary particulars, shall be given by the Range Officer in

charge of the sub-division to the village officers within the boundaries of whose village the permit is to have validity.

Wood cut under a permit not to be removed before being measured and fully paid for.

14. The holder of a permit for cutting trees shall not remove any of the wood cut:

(*a*) without reporting to the Range Officer that the trees have been cut; nor

(*b*) until the wood has been measured and stamped by a forest officer appointed by the Range Officer; nor

(*c*) until the wood has been fully paid for, according to the measurement of the said officer.

Method of measurement.

15. (1) Wood obtained under a permit as aforesaid shall be measured in the manner at the time being in vogue at Government wood depôts in the Kánara District.

(2) Should the trees which a permit-holder has been licensed to cut yield a greater quantity of wood than that for which the permit was granted, the permit-holder shall pay for the whole quantity cut and shall be allowed, if he wishes, to remove the excess quantity.

Register to be kept of forest-produce obtained on permits.

16. The Range Forest Officer in charge of the sub-division shall keep a register of all forest-produce obtained on permits in such form and containing such particulars as the Conservator shall from time to time prescribe.

Forest-produce obtained under a permit not to be misapplied.

17. Forest-produce obtained under a permit shall not, without the permission in writing of the Divisional Forest Officer, be applied to any purpose other than that stated in the application upon which the permit was granted.

Purchase-money for timber may be remitted in certain cases in whole or in part.

18. The purchase-money payable under Rule 11 for timber obtained on a permit may be remitted in whole or in part, when the timber is required for any of the following purposes:—

(*a*) Works of public utility, such as village-chaukis, schools, dharmshálás, public bridges, covers to or fencing round public wells and repairs of religious edifices not the property of individuals;

(*b*) ~~the~~ construction ~~or repair~~ of ~~agricultural implements~~;

(*c*) construction or repair of agricultural implements.

Remissions by whom to be granted.

19. Purchase-money may be remitted under Rule 18 by the following officers, viz.:—

(*a*) up to Rs. 15, by an Assistant Collector or a Divisional Forest Officer;

(*b*) up to Rs. 50, by the Collector or Conservator of Forests;

(*c*) above Rs. 50, on the recommendation of the Collector by the Commissioner.

Remissions to be endorsed on permits.

20. The amount remitted and the number and date of the order granting the remission shall be

Grazing permits may be granted subject to payment of fees.

21. (1) Permits for grazing will also be granted by the Range Forest Officer in charge of the sub-division on application being made to him in this behalf. The said permits shall be in such form and contain such particulars as the Conservator of Forests from time to time directs.

(2) The fees to be charged for permits for grazing shall be such as Government from time to time directs, and measures shall be taken by the Conservator of Forests for causing the rates of fees to be duly published.

Part IV.—Prohibitions.

22. The following acts are prohibited, viz.:—

(*a*) the exercise of any privilege or right conceded or recognized by these rules in any manner or at any time or place or for any purpose not allowed by these rules or contrary to or without duly fulfilling any provision of these rules, or by or on behalf of any person not entitled under these rules to such privilege or right;

(*b*) the doing of anything whether in the alleged exercise of a privilege or right (not being a right recorded under Section 28 of the Forest Act or claimed as an existing right in any case in which the proviso to that section applies) or otherwise, which is not authorized by these rules or by a permit granted under these rules;

(*c*) the doing of anything by or on behalf of a permit-holder which he is not expressly authorized by his permit to do;

(*d*) the cutting or removal by occupants of garden-land who have beta-assignments, of green leaves or branches for use as cattle-bedding or manure, except from within the limits of their respective assignments;

(*e*) the removal of green wood for fuel;

(*f*) the removal of wood for fuel (unless under a permit and on payment of the price thereof) except in head-loads;

(*g*) the quarrying or removal of mineral except in such places as shall from time to time be set apart for this purpose by the Conservator of Forests or by some forest officer whom he authorizes in this behalf;

(*h*) the clearing or breaking up of land for any purpose, except as provided in the next following clause and in Rule 4 (*b*), without the permission in writing of the Conservator of Forests;

(*i*) the breaking up of land for the purpose of repairing any ditch within the 60 feet limit described in Rule 4, unless when the Assistant Collector and the Divisional Forest Officer certify in writing that such ditch is necessary for the protection of any garden-land from damage by floods or by cattle or wild animals;

(*j*) the kindling of a fire at any time between the 1st November and 30th June, both days inclusive, except in any place appointed for this purpose by the Divisional Forest Officer;

(*k*) the carrying of torches or other unguarded

(*l*) the pasturing of cattle, when any person tending or accompanying the cattle carries an axe or any other cutting instrument ;

(*m*) the setting of traps, snares or pitfalls, except with the permission in writing of the Conservator of Forests or of some forest officer authorized by the Conservator of Forests to give such permission.

APPENDIX.

The following Notification, No. 525, dated 22nd January 1890, published at page 49 of the *Bombay Government Gazette* of the 23rd idem, Part I, is annexed to these Rules for convenience of reference :—

"No. 525.—In supersession of Government Notification No. 299, dated 15th January 1881, lished at pages 35 and 36 of the *Bombay Government Gazette* of the 20th idem, Part I, and in exercise of the power conferred by Section 29 of the Indian Forest Act, No. VII of 1878, His Excellency the Governor in Council is pleased—

(*a*) to declare the below-mentioned classes of trees in the protected forests of Kánara to be reserved from 15th February 1890 ;

(*b*) to prohibit from 15th February 1890 the collection or removal of timber of the below-mentioned descriptions in the district of Kánara ;

(*c*) to prohibit from the 15th February 1890 the removal of minor forest produce of the below-mentioned descriptions in Kánara.

Classes of trees and timber referred to in clauses (a) and (b).

Consecutive No.	Native names.	Botanical names.
	In the Kánara District.	
1	Sagvan ...	Teak or Tectona Grandis.
2	Gandada Mara ...	Sandalwood or Santalum Album.
3	Sheshum ...	Blackwood or Dalbergia Latifolia.
4	Anasu ...	Ebony or Diospyros Ebenum.
5	Honi ...	Pterocarpus Marsupium.
6	Surhonay ...	Poon or Calophyllum Elatum.
7	Pannas ...	The Jack tree or Artocarpus Integrifolia.
8	Pat Panas ...	Artocarpus Hirsuta
9	Balghay ...	Vitex Altissima.
10	Karrimutal ...	Ougenia Dalbergioides.
11	Nana ...	Lagerstræmia Microcarpa.
12	Shewani ...	Gmelina Arborea.
13	Mati ...	Terminalia Tomentosa.
14	Hirda ...	Terminalia Chebula.
15	Jamba ...	Xylia Dalabriformis.
16	Bondi ...	Thespesia Sp.
17	Khair ...	Acacia Catechu.
18	Shigikai ...	Soapnut or Acacia Concinnas.
19	Ippi Mara ...	Bassia Latifolia.

Descriptions of minor forest produce referred to in clause (c).

In the Kánara District.

Myrobalans (Harda), fruit of the Terminalia Chebula.

In the Kánara District.

(1) Pods of Acacia Concinna.

(2) Ippi or Mowra, flowers of the Bassia Latifolia.

(3) Catechu, or produce of Acacia Catechu."

By order of His Excellency the Right Honourable the Governor in Council,

J. NUGENT,

Chief Secretary to Government.

Forests : Kánara.

No. 7814.

REVENUE DEPARTMENT.

Bombay Castle, 3rd November 1890.

Memorandum from the Commissioner, S D., No. 3952, dated 20th October 1890—Submitting for issue of the annexed notification memoranda from the Collector of Kánara and the Conservator of Forests, S. C., together with the following letter No. 206, dated 4th idem, from the Forest Settlement Officer, Kánara :—

> "I have the honour to forward herewith a draft notification of numbers taken up at the time of Forest Settlement as tending to improve the forest block in the Sirsi Táluka, and request that you will cause the said notification to be published in the *Bombay Government Gazette* under Section 4 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890."

the Collector recommends that the notification may be published in the *Government Gazette* : the Commissioner stating that it will be noticed that the numbers are all unoccupied assessed waste.

RESOLUTION.—The draft notification should be published in the *Bombay Government Gazette*.

Acting Under Secretary to Government.

To
The Commissioner, S. D.,
The Collector of Kánara,
The Forest Settlement Officer, Kánara,
The Conservator of Forests, S. C.

No. of 1890.

Copy forwarded for information and guidance to

REVENUE DEPARTMENT.

Bombay Castle, 3rd November 1890.

No. 7814.—In exercise of the power conferred by Section 4 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, His Excellency the Governor in Council is pleased to declare that it is proposed to constitute the lands specified in the schedule hereto annexed Reserved Forests in the Sirsi Táluka of the Kánara Collectorate :—

Schedule referred to above.

Name of Village.	Survey No.	Unoccupied Assessed Waste.			Unassessed Waste.		
		A.	g.	a.	A.	g.	a.
Bharbanahalli ...	32	3	1	0	...		
Savane	7	1	3	0	.....		
Hunshimane	15	3	18	0	...		
Totadakalalli... ...	47	5	16	0	...		
Kundrigo ...	90	12	24	0	....		
Kanonhalli	48	4	0	0	.....		
	50	0	38	0	.....		
Bharni	6	2	18	0	...		
Math Deval ...	79	15	17	0	.....		
	139 (part)	8	3	0	.....		
Tarchalli ...	8	29	11	0	.....		
	142	0	14	0	...		
Chonli ..	36	1	31	0	.....		
	53	3	9	0	.....		

2. The Forest Settlement Officer, Kánara, is hereby appointed, under clause (c) of the same section, to enquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in these lands.

By order of His Excellency the Right Honourable the Governor in Council,

J. NUGENT,
Chief Secretary to Government.

Forests: Kánara.

No. 7320.

REVENUE DEPARTMENT.

Bombay Castle, 3rd November 1890.

Memorandum from the Commissioner, S. D., No. 3951, dated 20th October 1890—Submitting for issue of the annexed notification memoranda from the Collector of Kánara and the Conservator of Forests, S. C., together with the following letter No. 212, dated 6th idem, from the Forest Settlement Officer, Kánara:—

> "I have the honour to forward herewith a draft notification of numbers taken up at the time of Forest Settlement as tending to improve the forest block in the Kumta Táluka, and request that you will cause the said notification to be published in the *Bombay Government Gazette* under Section 4 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890."

the Collector recommends that the notification may be published in the *Government Gazette*: the Commissioner stating as follows:—

> "2 It will be noticed that none of the numbers are occupied and are therefore at the disposal of Government."

RESOLUTION.—The draft notification should be published in the *Bombay Government Gazette*.

Acting Under Secretary to Government.

To

The Commissioner, S. D.,
The Collector of Kánara,
The Forest Settlement Officer, Kánara,
The Conservator of Forests, S. C.

No. of 1890.

Copy forwarded for information and guidance to

REVENUE DEPARTMENT.

Bombay Castle, 3rd November 1891

No. 7820.—In exercise of the power conferred by Section 4 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, His Excellency the Governor in Council is pleased to declare that it is proposed to constitute the lands specified in the schedule hereto annexed Reserved Forests in the Kumta Táluka of the Kánara Collectorate :—

Schedule referred to above

Name of Village	Survey No.	Unoccupied Assessed Waste. A. g. a.	Unassessed Waste. A. g. a.
Wanalli	215	1 0 0	..
[illegible]	358	8 19 0	
	554	...	14 14 0
Devige	188	8 36 0	
Antravalli	123	3 28 0	.....
	261	7 15 0	..
Holegadde ...	2	7 [illegible] 0	.
Hindhoul	10	1 8 0	...
Basulli	26	4 0 0	
Hegde Hosalli ...	7	4 11 0	.....
	8	5 16 0	.
Bastikeri	5	3 24 0	
	18	1 36 0	
Divalli	23	1 36 0	
	74	6 22 0	.
	75	8 21 0	.
Hurvalli ...	16	7 15 0	...
Honagera	20	0 8 0	..
	21	0 36 0	
	22	0 10 0	
Koppinhosalli ..	19	9 22 0	.....
Ullu[illegible]the ...	18	6 9 0	.....
[illegible]	[illegible]	10 5 0	[illegible]
	1	.....	.....
	26	2 10 0	.....
Medini	29	3 33 0	.....
	33	3 16 0	.....
	34	3 35 0	.....
	[illegible]	3 21 0	.....
	45	0 15 0	.....
	46	1 29 0	.....
	47	.....	330 34 0
Bangneh	21	6 37 0	.....
Holvalli ...	31	7 14 0	.....
Chimoli	21	0 24 0	.....
	26	1 2 0	.....
	40	0 27 0	...
Kalave	32	1 28 0	...
	57	.....	3 0 0
	83	.....	0 23 0
Kavaladdi	21	0 36 0	.....
	22	11 [illegible] 0	.....
Kanakale ...	27	2 12 0	.....
	28	2 38 0	.....
Algar	1	3 17 0	.....
	3	0 30 0	.....
	4	10 12 0	.....
	5	3 3 0	.....
Hoschervate	102	8 23 0	.....
	148	.....	44 18 0

2. The Forest Settlement Officer, Kánara, is hereby appointed, under clause (*c*) of the same section, to enquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in these lands.

By order of His Excellency the Right Honourable the Governor in Council,

J. NUGENT,
Chief Secretary to Government.

Note.

On examining
the Notn No 7 of 29
th the 20 inst: pub-
lished in the Govt
Gazette of the 23
idem it has been
found that clause
(b) & (c) of rule
18 of the rules pub-
lished therein are
similarly worded in
the draft of the
Notn which was
sent to the Press

was prepared by
the Revr. of Legal
Affairs & it will
be seen from the
margin of rule 18
of the draft that
that rule is based
on rule 11-15 of
the original draft
drafted by the Kenara
Forest Committee.
On a comparison
of the two drafts
it appears that
clause (c) of rule

18 as published is correct, but that clause (b) should have run as follows:-

"Reconstruction of houses destroyed by fire, flood or decay, which were the property of actual cultivators."

It is regretted that the mistake which occurred in the Legal Remembrancer's draft was not discovered when

when the note was
passed by the office
a draft erratum is

Errata.

Rev. Deptt.

B. G. G. Notn. dated Nov. 1890.

No. 7836.

For clause (b) of rule 18 of the draft rules published under Govt. Notification No. 7829 dated 20th Oct. at pages 1043 to 1046 of the Bombay Govt. Gazette of the

the 23 idem, read the following:-

"(b) reconstruction ~~or repair~~ of houses destroyed by fire, flood or decay which were the property of actual cultivators."

By order, &c.,
J. Nugent,
Chief Secy to Govt.

For publication in the Bombay Govt. Gazette

Agreed Secy to Govt

131

R^o 7942 of 1920
R-8
B C, 8th Novr 1920

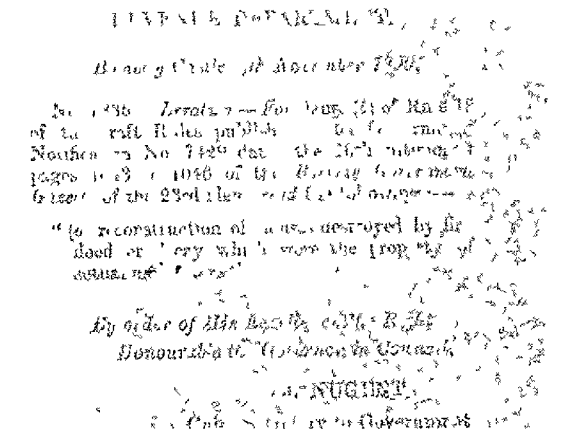
Copies forwarded

to

The Comm^r. S. D.,
The Coll^r. of Kánara,
The T. S. O., Kánara,
The Conservator of Forests, S. C.,
The Revr. of Legal Affairs,
The Oriental Translator to Govt.

Agl. Asstt. Secy to Govt.

4/11-



Secretariat.

8th April 1880.

Dear Sir,

I write by direction of the Government No 1836 dated 4th Nov. 1879 to refer to page 1102 of the Bombay Govt Gazette of the 6th idem, Part I, I am desired to request that you will be good enough to have the necessary corrections made in Govt Notification No 7429 dated 20th October 1870 when it is republished in the next Govt Gazette and in subsequent issues.

Yours faithfully
M. Jn K. Narsinn
Supdt. Printing

J Kinjamal Esq.

Erratum

From the schedule of Protected Forests in the Kumta Taluka of the Kanara District under Section 28 of the Indian Forest Act No VII of 1878, as amended by Act No 5 of 1890 & notified by Government Notification No 6044 A dated the 25th August 1890 and published at pages 881 & 882 of the Bombay Government Gazette of the 28th August 1890 Part I, omit the Survey number specified in the following statement.

No	Name of village	Survey number	Area			Remarks
			ac	g	a	
1	Kalkeri	198	17		38	This number was differed in accordance with Govt. No 6889 of the 13th February 1889, it was notified by oversight.

No 212 of 1890/91.

Camp Dharwar 6th October 1890.

Forwarded to the Collector of Kanara with a request that he will be good enough to cause the

above erratum to be published
the Bombay Government Gazette

A Thompson
Forest Settlement Officer
Kanara

Dated 1890

Sir,

The Conservator of Forests
Southern Circle

Poona 34433 13.10.90

No [illegible] of 1890-91.
Belgaum, October 10th 1890

Forwarded.

Conservator of Forests
S.C

No 4519 of 1890.
Kanara 15th October 1890

Forwarded to the Commissioner
S.D. with a recommendation that
the Erratum may be published in
the Government Gazette.

Forwarded
Collector of Kanara

187-18-10-90

Kaiapoi Collector's Memo No. 4519
dated 15th October 1890

No. 40760/1890

Revenue Department

Belgaum 24th October 1890

Forwarded to the Under
Secretary to Government for favour
of compliance.

Asst Commissioner S.D.

Home Department

Bombay Castle 19 Nov 1872

No 7872 Casting.

From the Secretary

to Government of India

No 8044-A, dated 20th August

1870, published at page 68

and 882 of the Bombay

Government Gazette of the

28th idem, Part I, omit the

following:—

Name of Village	Taluka	Area	
		A	G
Kalkeri	188	17	3

By order &c.

A Rogers

Secretary to Govt

for publication in the

Bombay Government

Gazette

[illegible]

[illegible] Asstt

Offg. Under Secretary to
Govt.

MW
5/11

[illegible]

[illegible]

No. 8113 of 1870.

Revenue Department

Bombay Castle 17th Nov. 1870

Copies of the under
mentioned forwarded to
the Commissioner, S.D., the
Collector of Kaira, the Com-
missioner Opium, Kaira
the Commissioner of Excise,
S.D.

[illegible]

Asstt

Offg. Under Secretary to Govt.

MW
5/11

Appointments: Proposed retention of the services of Mr. R. T. Wingate as Forest Settlement Officer, Kánara.

No. 8151.

REVENUE DEPARTMENT.

Bombay Castle, 18th November 1890.

Letter from the Survey and Settlement Commissioner, No. 1762, dated 2nd September 1890—Making suggestions with reference to the future employment of Mr. R. T. Wingate, Assistant Settlement Officer and Forest Settlement and Demarcation Officer in the Kánara District.

Memorandum from the Commissioner, S. D., No. 3388, dated 6th September 1890—Forwarding the above; and observing as follows:—

"2. The undersigned fully endorses all that Mr. Stewart has written. It is of very great importance to get the Forest Settlement work of Kánara, which has been so unduly delayed, effectually done, and there is probably no other officer in the Presidency with Mr. Wingate's qualifications for the work."

Memorandum from the Conservator of Forests, S. C., No. 2814, dated 30th September 1890—Replying to Government reference No. 6636, dated 19th idem.

Letter from the Accountant General, No. G.A—21907, dated 16th October 1890.

Letter from the Commissioner, S. D., No. 3985, dated 21st October 1890—Submitting a statement giving the information called for in paragraph 3 of Government Resolution No 5728, dated 24th September 1890, showing the progress made hitherto in the Forest Settlement of Kánara and Mr Wingate's programme for the ensuing season; and making remarks and suggestions.

RESOLUTION.—His Excellency the Governor in Council does not consider it necessary or desirable to disturb the arrangements sanctioned in Government Resolutions Nos. 4813 and 6709, dated respectively 5th July and 9th September 1889. There is still some survey work to be performed in Kánara, and Mr. Wingate should therefore remain on the establishment of the Survey Department as at present, while continuing to perform the duties of Forest Demarcation and Settlement Officer in that district.

2. The Forest Demarcation and Settlement in Kánara has not progressed as rapidly as might have been expected and is to be desired, but Government trust that it will now be pushed on energetically by Mr. Wingate so as to be finished by the rains of 1894.

3. With reference to his letter No. 3985, dated the 21st ultimo, Mr. Keyser should be informed that Government do not consider it desirable or even possible in the special circumstances of Kánara to appoint the Assistant Collectors in

s for the whole or portion of
n to perform this duty satis-
ms carry on effectively and
f an Assistant Collector can
ent and Demarcation work in
tween him and Mr. Wingate

2814, dated 30th September
requested to explain why if
is he did not appeal against
notice of Government. The
igate will be more careful in
what are rights, and more
ges he can only make recom-
l is not empowered to grant.

DR C. ATKINS,
Secretary to Government.

REVENUE DEPARTMENT.

Bombay Castle, 6th November 1890.

No. 7892.—*Erratum.*—From the schedule annexed to Government Notification No. 6044*A*, dated 25th August 1890, published at pages 881 and 882 of the *Bombay Government Gazette* of the 8th idem, Part I, *omit* the following:—

Name of Village	Survey No	Area.
		A. g.
alkeri . .	198	17 36

By order of His Excellency the Right Honourable the Governor in Council,

J. NUGENT,
Chief Secretary to Government.

P. Mills

Offg. Under Secretary to Govt.

No. 8113 of 1850

Revenue Department

Bombay Castle 17th Nov. 1850.

Copies of the enclosed forwarded to the Commissioner, S.D., the Collector of Kaira, the Head Assistant Collector, Kaira & the Commissioner of Accts.

P. Mills

Offg. Under Secretary to Govt.

S. C.

WH 5711

REVENUE DEPARTMENT.

Bombay Castle, 6th November 1890.

No. 7892.—*Erratum.*—From the schedule annexed to Government Notification No. 6044*A*, dated 25th August 1890, published at pages 881 and 882 of the *Bombay Government Gazette* of the 28th idem, Part I, [illegible]

Name of Village.	Survey No.	Area.
		A. g.
Kalkeri	198	17 38

By order of His Excellency the Right Honourable the Governor in Council,

J. NUGENT,
Chief Secretary to Government.

Wingate papers see Comp: 74/90

Appointments: Proposed retention of the services of Mr. R. T. Wingate as Forest Settlement Officer, Kánara.

No. 8151.

REVENUE DEPARTMENT.

Bombay Castle, 18th November 1890.

Letter from the Survey and Settlement Commissioner, No. 1762, dated 2nd September 1890—Making suggestions with reference to the future employment of Mr. R. T. Wingate, Assistant Settlement Officer and Forest Settlement and Demarcation Officer in the Kánara District.

Memorandum from the Commissioner, S. D., No. 3383, dated 4th September 1890—Forwarding the above; and observing as follows:—

"2. The undersigned fully endorses all that Mr. Stewart has written. It is of very great importance to get the Forest Settlement work of Kánara, which has been so unduly delayed, effectually done, and there is probably no other officer in the Presidency with Mr. Wingate's qualifications for the work."

Memorandum from the Conservator of Forests, S. C., No. 2814, dated 30th September 1890—Replying to Government reference No. 6636, dated 19th idem.

Letter from the Accountant General, No. G.A.—21907, dated 16th October 1890.

Letter from the Commissioner, S. D., No. 3985, dated 21st October 1890—Submitting a statement giving the information called for in paragraph 3 of Government Resolution No. 6728, dated 24th September 1890, showing the progress made hitherto in the Forest Settlement of Kánara and Mr. Wingate's programme for the ensuing season; and making remarks and suggestions.

RESOLUTION.—His Excellency the Governor in Council does not consider it necessary or desirable to disturb the arrangements sanctioned in Government Resolutions Nos. 4813 and 6709, dated respectively 5th July and 9th September 1889. There is still some survey work to be performed in Kánara, and Mr. Wingate should therefore remain on the establishment of the Survey Department as at present, while continuing to perform the duties of Forest Demarcation and Settlement Officer in that district.

2. The Forest Demarcation and Settlement in Kánara has not progressed as rapidly as might have been expected and is to be desired, but Government trust that it will now be pushed on energetically by Mr. Wingate so as to be finished by the rains of 1894.

3. With reference to his letter No. 3985, dated the 21st ultimo, Mr. Keyser should be informed that Government do not consider it desirable or even possible in the special circumstances of Kánara to appoint the Assistant Collectors in charge of tálukás to be Forest Settlement Officers for the whole or portion of their charges. It would not be feasible for them to perform this duty satisfactorily and expeditiously and at the same time carry on effectively and promptly their revenue and magisterial work. If an Assistant Collector can hereafter be spared exclusively for Forest Settlement and Demarcation work in Kánara, it will be possible to divide the district between him and Mr. Wingate with a view to the speedy completion of the work.

4. With reference to his memorandum No. 2814, dated 30th September 1890, the Conservator of Forests, S. C., should be requested to explain why if he disapproved of Mr. Wingate's judicial decisions he did not appeal against them or bring the matter at an earlier date to the notice of Government. The Governor in Council trusts that in future Mr. Wingate will be more careful in his discrimination between what are privileges and what are rights, and more precise in his recommendations. As regards privileges he can only make recommendations for the consideration of Government and is not empowered to grant.

J. DE C. ATKINS,
Acting Under Secretary to Government.

To

The Commissioner, S. D.,
The Collector of Kánara,
The Forest Settlement Officer, Kánara,
The Conservator of Forests, S. C.,
The Survey and Settlement Commissioner,
The Accountant General.

No. of 1890.

Copy forwarded for information and guidance to

Forests: Kánara.

No. 8323.

REVENUE DEPARTMENT.

Bombay Castle, 22nd November 1890.

Memorandum from the Commissioner, S. D., No. 4356, dated 7th November 1890—Submitting for the issue of the notifications memoranda from the Collector of Kánara and the Conservator of Forests, S. C., together with the following letter No. 237, dated 28th October 1890, from the Forest Settlement Officer, Kánara:—

> "I have the honour to forward herewith draft notifications under Section 4 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890 of lands for forests selected by Mr. Woodrow, Divisional Forest Officer, Southern Division, Kánara, in twenty villages of Honávar and in eight villages of the Sirsi Táluká, and request that you will cause the said notifications to be published in the *Government Gazette* accordingly."

the Collector recommends that the notifications may be published in the *Bombay Government Gazette*: the Commissioner stating as follows:—

> "2. Out of the total area of—
>
> Acres 55,325 5 8
> „ 777 16 0 is assessed, and
> „ 54,547 29 8 unassessed Government waste."

RESOLUTION.—The draft notifications should be published in the *Bombay Government Gazette*.

Acting Under Secretary to Government.

To

The Commissioner, S. D.,
The Collector of Kánara,
The Forest Settlement Officer, Kánara,
The Conservator of Forests, S. C.

No. of 1890.

Copy forwarded for information and guidance to

REVENUE DEPARTMENT.

Bombay Castle, 22nd November 1890.

No. 8323.—In exercise of the power conferred by Section 4 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, His Excellency the Governor in Council is pleased to declare that it is proposed to constitute the lands specified in the schedule hereto annexed Reserved Forests in the Honávar Táluka of the Kánara District :—

Schedule referred to above.

Name of Village	Survey No.	Unoccupied Assessed Waste. Area A. g. a.	Unoccupied Assessed Waste. Assessment. Rs. a. p.	Unassessed Waste. A. g. a.
Upponi	60			238 38 0
Mahimie	1	1 17 0	3 8 0	
	2	3 3 0	7 0 0	
	15	4 36 0	15 0 0	
	21	3 23 0	11 0 0	
	22	3 22 0	10 0 0	
	23	1 13 0	0 8 0	
	24	2 30 0	9 0 0	
	25	2 0 0	5 0 0	
	26	2 29 0	8 0 0	
	33	1 27 0	5 0 0	
	34	2 4 0	6 0 0	
	38	1 31 0	5 0 0	
	108	2 26 0	5 0 0	
	109	3 23 0	13 0 0	
	110	3 0 0	11 0 0	
	111	2 36 0	11 0 0	
	112	2 2 0	6 0 0	
	113	2 13 0	7 0 0	
	114	1 26 0	5 0 0	
	115	2 6 0	6 0 0	
	116	0 37 0	0 8 0	
	168	7 15 0	26 0 0	
	27			408 18 0
	33			474 27 0
	35			571 36 0
	37			421 23 0
	39			584 34 0
	40			432 28 0
	71			603 5 0
	72			574 0 0
	82			754 13 0
	83			643 0 0
	84			496 32 0
	85			471 2 0
	86			390 37 0
	94			456 37 0
	103			533 18 0
	104			626 18 0
	146			645 36 0
	147			350 11 0
	150			556 2 0
	151			638 37 0
	154			687 26 0
	155			765 13 0
	156			861 29 0
	157			600 30 0
	158			441 37 0
	159			457 27 0
	160			552 36 0
	162			620 6 0
	300			613 5 0
	170			729 22 0
	170			513 32 0
	192			357 0 0
	193			427 7 0
	201			598 39 0
	68			10 19 0
	201			419 38 0
	207			416 5 0
	277			192 19 0
	69			408 30 0

Name of Village	Survey No.	Unoccupied Assessed Waste. Area A. g. a.	Unoccupied Assessed Waste. Assessment. Rs. a. p.	Unassessed Waste. A. g. a.
Hosgod	20	0 30 0	2 0 0	
	19	..	....	655 25 0
	22	.. ..	.. ..	699 29 0
	23	.. ..	.....	636 7 0
Hirebail	1	11 0 0	27 0 0	.....
	2	11 30 0	30 0 0	.....
	8	3 18 0	8 0 0	.....
	9	2 10 0	6 0 0	.....
	10	3 4 0	10 0 0	.....
	11	3 18 0	10 0 0	.....
	12	3 19 0	10 0 0	.....
	13	4 22 0	9 0 0	.....
	14	1 37 0	7 0 0	.....
	15	10 7 0	32 0 0	.....
	16	5 0 0	17 0 0	.....
	18	3 13 0	12 0 0	.....
	21	8 2 0	21 0 0	.....
	24	3 19 0	9 0 0	.....
	25	2 18 0	8 0 0	.....
	26	4 15 0	13 0 0	.....
	27	5 35 0	14 0 0	.....
	28	2 34 0	8 0 0	.....
	29	3 28 0	10 0 0	.....
	30	2 17 0	6 0 0	.....
	31	2 30 0	11 0 0	.....
	34	1 29 0	6 0 0	.....
	35	3 27 0	12 0 0	.....
	36	1 28 0	3 8 0	.....
	37	1 19 0	4 0 0	.....
	38	4 8 0	11 0 0	.....
	39	4 13 0	13 0 0	.....
	40	3 7 0	10 0 0	.....
	41	2 28 0	9 0 0	.....
	42	3 12 0	10 0 0	.....
	43	3 25 0	11 0 0	.....
	44	3 13 0	10 0 0	.....
	45	2 6 0	8 0 0	.....
	46	1 19 0	5 0 0	.....
	49	0 21 0	1 8 0	280 38 0
	3	.....	.....	771 10 0
	4	.....	.....	569 14 0
	7	.....	.....	543 10 0
	22	.....	.....	426 2 0
	23	.....	.....	608 3 0
	32	.....	.....	661 1 0
	33	.....	.....	464 1 0
	46	.....	.....	752 2 0
	47	.....	.....	
Jenkadkál	1	3 2 0	11 0 0	
	2	1 1 0	14 0 0	
	3	3 34 0	4 0 0	
	5	2 5 0	7 0 0	
	6	2 11 0	7 0 0	
	8	1 11 0	3 0 0	
	14	10 15 0	20 0 0	
	15	0 26 0	21 0 0	
	18	2 0 0	6 0 0	
	19	3 0 0	9 0 0	
	21	0 0 0	1 8 0	
	54		8 0 0	
	57		0 0 0	
	58			
	59			
	60	9		
	61	2 37		
	63	6 11 0		
	64	0 7 0		
	65	4 38 0	14	
	66	6 0 0	20 0	
	70	0 28 0	3 0	
	79	2 12 0	5 0 0	
	89	3 13 0	1 0 0	
	4	.....	.....	335
	16	.....	.....	518
	17	.....	.....	19
	20	.....	.....	559
	22	.....	.....	6
	23	.....	.....	10
	24	.....	.....	14
	25	.....	.....	20
	26	.....	.....	576

Name of Village.	Survey No.	Unoccupied Assessed Waste. Area. A. g. a.	Assessment. Rs. a. p.	Unassessed Waste. A. g. a.
...ankal—*contd*	27	.....	.....	336 17 0
	42	.....	.....	508 15 0
	62	.....	.....	913 26 0
	71	.....	.....	693 20 0
	72	.....	.....	636 29 0
	73	.....	.....	895 17 0
	74	.....	.....	449 5 0
	75	.....	.....	473 12 0
	76	.....	.....	554 10 0
	85	.....	.....	383 8 0
...	17	1 14 0	0 8 0	.....
	38	4 4 0	1 8 0	.....
	72	1 15 0	0 12 0	.....
	266	9 25 0	3 8 0	.....
	58	.....	.....	304 30 0
	82	.....	.....	324 9 0
	174	.....	.....	470 34 0
	263	.....	.....	315 11 0
	275	.....	.....	406 31 0
	1	18 28 0	3 8 0	.....
	737	5 23 0	2 0 0	.....
	774	1 30 0	0 12 0	.....
	650	.....	.....	187 2 0
	655	.....	.....	10 10 0
	661	.....	.....	468 12 0
	677	.....	.....	110 20 0
	683	.....	.....	492 0 0
	775	.....	.....	248 0 0
	799	.....	.....	65 20 0
	810	.....	.....	286 14 0
	811	.....	.....	208 0 0
	838	.....	.....	83 12 0
...	210	4 39 0	4 0 0	.....
	233	6 7 0	5 0 0	.....
	363	4 23 0	3 8 0	.....
	375	5 17 0	5 0 0	.....
	376	5 16 0	5 0 0	.....
	388	5 19 0	5 0 0	.....
	426	5 18 0	5 0 0	.....
	427	5 27 0	5 0 0	.....
	431	5 9 0	4 0 0	.....
	724	1 5 0	0 8 0	.....
	30	.....	.....	0 9 0
	54	.....	.....	0 6 8
	124	.....	.....	0 7 0
	296	.....	.....	1 10 0
	447	.....	.....	57 13 0
	503	.....	.....	0 4 4
	563	.....	.....	335 36 0
	564	.....	.....	261 23 0
	569	.....	.....	210 17 0
	633	.....	.....	65 7 0
	671	.....	.....	23 1 0
	673	.....	.....	2 3 0
	723	.....	.....	240 37 0
	743	.....	.....	123 27 0
	750	.....	.....	275 2 0
	757	.....	.....	182 3 0
	767	.....	.....	12 0 0
	773	.....	.....	5 9 0
...	102	2 38 0	2 8 0	.....
	106	4 2 0	4 0 0	.....
	107	1 32 0	2 0 0	.....
	179	6 0 0	6 0 0	.....
	118	0 34 0	0 12 0	.....
	213	1 25 0	2 0 0	.....
	215	1 34 0	2 8 0	.....
	216	5 16 0	11 0 0	.....
	231	3 30 0	5 0 0	.....
	419	8 15 0	3 0 0	.....
	431	4 30 0	4 0 0	.....
	435	5 15 0	5 0 0	.....
	438	5 1 0	4 0 0	.....
	439	4 36 0	4 0 0	.....

Name of Village	Survey No	Unoccupied Assessed Waste. Area. A. g. a.	Assessment. Rs. a. p.	Unassessed Waste. A. g. a.
Bailur—*continued*	441	4 17 0	3 8 0	.....
	442	4 31 0	4 0 0	.....
	443	2 17 0	2 0 0	.....
	515	2 27 0	1 0 0	.....
	516	10 3 0	5 0 0	.....
	521	1 30 0	2 0 0	.....
	522	1 31 0	0 12 0	.....
	572	3 19 0	1 8 0	.....
	578	3 16 0	0 12 0	.....
	585	5 27 0	2 0 0	.....
	593	7 0 0	0 5 0	.....
	594	7 10 0	3 8 0	.....
	32	.....	.....	0 15 0
	263	.....	.....	0 6 9
	289	.....	.....	0 11 0
	295	.....	.....	0 17 0
	305	.....	.....	0 3 10
	307	.....	.....	0 12 0
	312	.....	.....	115 3 0
	315	.....	.....	113 36 0
	563	.....	.....	46 30 0
	600	.....	.....	368 8 0
	602	.....	.....	0 7 8
Jalavalli ...	160	5 22 0	3 0 0	.....
	227	11 21 0	10 0 0	.....
	140	.....	.....	.....
	228	.....	.....	139 3 0
	239	.....	.....	435 36 0
	293	.....	.....	9 5 0
	381	.....	.....	280 4 0
				555 13 0
Karki ...	1	5 0 0	1 8 0	.....
	10	1 25 0	0 8 0	.....
	93	4 10 0	1 0 0	.....
	90	.....	.....	237 16 0
Keravalli	51	.....	.....	2 24 0
	55	.....	.....	8 5 0
	63	.....	.....	132 34 0
Tumbolli ...	5		.....	327 21 0
	11	.....	.....	584 22 0
	12	.....	.....	650 6 0
	13	.....	.....	685 0 0
Kelgin-Mudkani..	11o	.....	.....	66 17 0
Melin Mudkani	35	.....	.....	155 34 0
	77	.....	.....	193 18 0
Adakar	27			119 2 0
Heggar	28	.....	.....	30 36 0
Andgod	68	.....	.....	109 25 0
	77			15 22 0

2 The Forest Settlement Officer, Kánara, is hereby appointed, under clause (*c*) of the same section, to enquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in these lands.

By order of His Excellency the Right Honorable the Governor in Council,

J. NUGENT,
Chief Secretary to Government.

REVENUE DEPARTMENT.

Bombay Castle, 22nd November 1890.

No. 8323*A*.—In exercise of the power conferred by Section 4 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, His Excellency the Governor in Council is pleased to declare that it is proposed to constitute the lands specified in the schedule hereto annexed Reserved Forests in the Sirsi Táluka of the Kánara District:—

Schedule referred to above.

Name of Village.	Survey No.	Unoccupied Assessed Waste.		Unassessed Waste.
		Area	Assessment.	
		A. g. a.	Rs. a. p.	A. g. a.
Huthgár ...	18	21 0	13 0 0	.....
	24	54 6 0	14 0 0	.....
	5	.....	.....	4 34 0
	14	.....	.....	13 11 0
	19	.....	.....	2 33 0
	25	.....	.....	18 25 0
	28	.....	.....	11 30 0
	29	.....	.....	306 31 0
	31	.....	.....	18 6 0
	39	.....	.....	8 17 0
	43	.....	.....	13 29 0
	44	.....	.....	2 31 0
	46	.....	.....	7 6 0
	48	.....	.....	5 24 0
	49	.....	.....	0 38 0
	53	.....	.....	12 8 0
	54	.....	.....	14 22 0
	55	.....	.....	0 6 8
	58	.....	.....	5 35 0
	60	.....	.....	0 3 8
	65	.....	.....	7 30 0
	66	.....	.....	6 5 0
	71	.....	.....	7 31 0
	72	.....	.....	12 15 0
	85	.....	.....	365 33 0
	87	.....	.....	7 19 0
	91	.....	.....	2 23 0
	92	.....	.....	8 35 0
	94	.....	.....	0 34 0
	95	.....	.....	0 37 0
	96	.....	.....	5 22 0
	98	.....	.....	1 0 0
	99	.....	.....	9 31 0
	100	.....	.....	6 3 0
	102	.....	.....	2 39 0
	103	.....	.....	0 9 0
	104	.....	.....	10 35 0
	105	.....	.....	8 18 0
	107	.....	.....	10 35 0
	108	.....	.....	
Bálegade..	13	.....	.....	7 17 0
	15	.....	.....	3 33 0
	16	.....	.....	1 23 0
	17	.....	.....	8 24 0
	18	.....	.....	5 13 0
	19	.....	.....	5 39 0
	20	.....	.....	0 37 0
	23	.....	.....	0 25 0
	26	.....	.....	56 10 0
	27	.....	.....	60 30 0
	28	.....	.....	2 28 0
	29	.....	.....	5 11 0
	30	.....	.....	7 32 0
	42	.....	.....	8 16 0
	43	.....	.....	11 20 0
	44	.....	.....	4 28 0
	66	.....	.....	333 27 0
	75	.....	.....	223 21 0
	76	.....	.....	48 10 0
	78	.....	.....	1 24 0
	79	.....	.....	5 3 0
	80	.....	.....	11 6 0
	81	.....	.....	4 18 0
	82	.....	.....	8 22 0
	85	.....	.....	11 4 0
	87	.....	.....	8 11 0
	88	.....	.....	4 25 0
	89	.....	.....	7 21 0
	90	.....	.....	7 20 0
	93	.....	.....	7 31 0
	106	.....	.....	11 26 0

Name of Village.	Survey No.	Unoccupied Assessed Waste. Area. A. g. a.	Unoccupied Assessed Waste. Assessment. Rs. a. p.	Unassessed Waste. A. g. a.
Bálegade—*contd.*	110	.....	.....	6 6 0
	112	.....	... ..	8 28 0
	113	.....	.. ...	7 13 0
	114	.....	.....	6 7 0
	127	.....	.....	6 18 0
	130	. ...	.....	6 26 0
	133	.....	.....	3 35 0
	134	.....	.....	5 13 0
	135	.....	. ...	3 27 0
	136	.....	.....	5 20 0
	137	.. ...	.. ..	8 5 0
	140	.....	... ..	1 11 0
	150	.....	.....	163 7 0
	151	.....	.....	90 10 0
	152	... ..	.....	3 5 0
	153	. ...	. ...	5 14 0
	156	.. ..	...	4 37 0
	157	.. ...	...	4 19 0
	158	... ..	. .....	5 34 0
	164	.....	.....	4 13 0
Hárepál	120	5 11 0	1 8 0	.. ...
	4	.	.....	9 5 0
	8	. .....	...	0 27 0
	9	.....	.....	2 17 0
	11	.....	..	2 35 0
	12	. ...	.	3 4 0
	19	.. ..	.....	0 21 0
	20	.. .	....	4 7 0
	21	...	.	4 14 0
	22	.. .		2 21 0
	23	....		8 14 0
	24	... .	..	1 2 0
	26	..	.	3 6 0
	28	....	. ...	47 22 0
	29	... .	.....	5 27 0
	31	.	... .	2 7 0
	32	. ...	.....	1 3 0
	35	. . .		0 15 0
	37	... .	...	7 8 0
	38	. .	...	8 5 0
	42	. ....	.	10 31 0
	44	...	.....	5 23 0
	56	. .	. .	4 24 0
	57	..	.....	12 29 0
	61	. ...	.....	8 7 0
	62	. ..	.....	6 38 0
	64	.....	. ...	8 38 0
	65	.....	....	4 14 0
	66	.. ..	.. .	13 30 0
	67	...	. .	8 20 0
	68	. . .		4 28 0
	71	. .	.	5 26 0
	73	... .	.	0 25 0
	74	.	.	0 30 0
	77	...	... .	6 20 0
	79		. ...	259 33 0
	80	.. .	. .	8 9 0
	81		.	4 12 0
	82			10 9 0
	83	...	... .	11 39 0
	87	... ..	.	4 36 0
	88	.	...	12 35 0
	91	.....	. .	3 25 0
	92	... ..	... .	4 12 0
	93	..		10 4 0
	95	. .		14 2 0
	100		...	14 4 0
	105	.		4 23 0
	108	...	...	6 33 0
	109			11 16 0
	110	...	. .	14 16 0
	111	. .		12 33 0
	121		..	4 11 0
	122		... .	10 8 0
	124	. .		8 27 0
	129	.....	..	1 12 0
	131	...	. ...	37 0
	134	. ..	.	5 39 0
	135	... .	.. .	9 9 0
	136	...	.	14 31 0
	140	..	. ..	1 11 0
	141	. .	. ...	29 22 0
	142	.....	.....	7 17 0
	154	.....	. ..	10 39 0

Name of Village.	Survey No.	Unoccupied Assessed Waste. Area. A. g. a.	Unoccupied Assessed Waste. Assessment. Rs. a. p.	Unassessed Waste. A. g. a.
Hárepál—*contd.*	158	.....	.....	2 22 0
	159	.....	...	10 32 0
	163	. .....	.. ..	3 31 0
	164	...	... ..	7 20 0
Itgulli . .	116	2 29 0	1 0 0	..
	117	1 13 0	0 8 0	....
	118	2 14 0	0 12 0	.. ..
	1	. ..		14 34 0
	2	..	...	2 21 0
	5	.		9 32 0
	6	...	.	4 35 0
	7	.. ..	...	12 7 0
	8	...	.	2 19 0
	9	..	.	4 6 0
	10	...		5 11 0
	11	.	.	7 2 0
	12	.....	.	3 [illegible] 0
	13	.	...	[illegible] 0
	20		. ...	4 24 0
	34		. ..	5 19 0
	35			3 36 0
	42		.	15 13 0
	46			0 17 0
	47			4 3 0
	51			13 15 0
	66		.	107 23 0
	57		.	10 2 0
	62		.	8 18 0
	67		...	81 8 0
	68		...	3 31 0
	69		..	5 18 0
	70		.	4 11 0
	71			1 35 0
	72		... .	1 9 0
	73		.	5 4 0
	74		. ..	6 1 0
	80		..	5 30 0
	81		...	4 31 0
	82		...	6 7 0
	85		..	0 1 10
	98			3 24 0
	99		.. .	3 16 0
	100		.	8 6 0
	105			5 13 0
	106			3 33 0
	107		...	3 11 0
	108		...	3 19 0
	109			4 16 0
	110			6 21 0
	111			6 32 0
	122			182 4 0
	134		..	5 30 0
	135		..	6 31 0
	138			15 [illegible]
	143		..	1 [illegible]
	144			. 32
	145		..	1 23
	146		.	9 16
	147		.. ..	1 34
	155		. ..	2 36
	156		.....	7 0
	160		...	3 23
	163			4 36
	164			3 14
	168		.	4 12
	169		.. .	13 1
	170		..	10 4
Devarkop	3	.....	... .	12 39 0
	4	...	.. .	16 24 0
	15	.. .	. ...	7 26 0
	16		.	2 2 0
	17	...	...	10 23 0
	20		.. ..	28 16 0
	21		.	25 29 0
Agsil	30	10 32 0	2 8 0	..
	31	2 9 0	0 12 0	.
	59	4 33 0	1 0 0	.
	64	16 22 0	4 0 0	....
	87	18 35 0	5 0 0	.. .
	103	1 34 0	2 8 0	.. .

Name of Village.	Survey No.	Unoccupied Assessed Waste. Area. A. g. a.	Assessment. Rs. a. p.	Unassessed Waste. A. g. a.
Agsál—*continued.*	104	32 22 0	8 0 0	.. ..
	146	5 3 0	8 0 0	.. ..
	284	0 22 0	3 0 0	.. ..
	286	0 18 0	0 2 0	.. ..
	8	.. ..	..	6 31 0
	9	..	..	18 4 0
	11	..	..	7 14 0
	12	.. ..	.. ..	8 13 0
	19	.. ..	..	4 6 0
	24	.. ..	.. ..	4 9 0
	25	.. ..	.. ..	506 35 0
	32	..	..	11 18 0
	33	..	..	5 20 0
	37	..	..	12 1 0
	40	..	..	8 6 0
	41	..	..	10 30 0
	60	..	..	4 28 0
	69	..	..	9 [illegible]
	70	..	..	6 38 0
	85	..	..	12 21 0
	94	.. ..	..	5 36 0
	95	..	..	7 14 0
	96	.. ..	..	3 3 0
	97	.. ..	.. ..	1 38 0
	102	..	..	2 4 0
	108	.. ..	..	6 33 0
	109	..	.. ..	15 2 0
	112	..	.. ..	4 24 0
	183	.. ..	.. ..	2 4 0
	137	.. ..	..	10 30 0
	142	.. ..	.. ..	15 31 0
	146	.. ..	.. ..	810 27 0
	149	.. ..	.. ..	7 14 0
	150	.. ..	.. ..	0 30 0
	151	..	..	7 8 0
	155	.. ..	..	0 11 0
	156	.. ..	..	0 29 0
	159	.. ..	..	5 7 0
	170	.. ..	.. ..	11 12 0
	171	.. ..	.. ..	3 21 0
	178	.. ..	..	8 7 0
	179	.. ..	.. ..	4 20 0
	180	.. ..	.. ..	7 32 0
	181	.. ..	.. ..	5 13 0
	186	.. ..	.. ..	5 37 0
	188	..	..	6 0 0
	189	..	.. ..	7 21 0
	190	..	..	7 27 0
	191	.. ..	.. ..	16 25 0
	193	..	..	0 26 0
	194	.. ..	.. ..	5 18 0
	195	.. ..	.. ..	2 5 0
	196	.. ..	.. ..	3 2 0
	211	.. ..	..	2 21 0
	213	.. ..	.. ..	3 38 0
	216	.. ..	.. ..	5 22 0
	217	.. ..	.. ..	6 0 0
	223	.. ..	.. ..	7 33 0
	227	.. ..	.. ..	6 8 0
	234	.. ..	.. ..	11 11 0
	238	.. ..	.. ..	7 1 0
	239	.. ..	.. ..	5 32 0
	249	.. ..	.. ..	9 35 0
	250	.. ..	.. ..	3 6 0
	251	.. ..	.. ..	8 13 0
	252	.. ..	.. ..	1 12 0
	253	.. ..	.. ..	7 20 0
	254	.. ..	.. ..	4 20 0
	256	.. ..	.. ..	9 6 0
	257	.. ..	.. ..	6 32 0
	258	.. ..	.. ..	3 6 0
	259	.. ..	.. ..	6 15 0
	260	.. ..	.. ..	2 1 0
	261	.. ..	.. ..	3 16 0
	262	.. ..	.. ..	10 33 0
	263	.. ..	.. ..	5 22 0
	264	.. ..	.. ..	4 17 0
	265	.. ..	.. ..	8 6 0
	266	.. ..	.. ..	1 27 0
	267	.. ..	.. ..	11 10 0
	268	.. ..	.. ..	6 2 0
	269	.. ..	.. ..	2 36 0
	270	.. ..	.. ..	4 38 0
	271	.. ..	.. ..	4 21 0
	272	.. ..	.. ..	3 2 0
	273	.. ..	.. ..	0 21 0

Name of Village.	Survey No.	Unoccupied Assessed Waste. Area. A. g. a.	Assessment. Rs. a. p.	Unassessed Waste. A. g. a.
Agsál—*continued*	274	.. ..	.. ..	1 0 0
	275	.. ..	.. ..	0 20 0
	276	.. ..	.. ..	0 33 0
	277	.. ..	.. ..	2 24 0
	278	.. ..	.. ..	4 16 0
	279	.. ..	.. ..	3 22 0
	280	.. ..	.. ..	3 12 0
	281	.. ..	.. ..	3 14 0
	282	.. ..	.. ..	2 10 0
	283	.. ..	.. ..	8 7 0
Bonnnalli	149	8 6 0	1 0 0	.. ..
	193	3 32 0	1 8 0	.. ..
	194	1 33 0	0 8 0	.. ..
	254	2 36 0	0 12 0	.. ..
	256	2 27 0	0 12 0	.. ..
	258	2 0 0	0 8 0	.. ..
	259	.. ..	1 3 0	.. ..
	260	3 21 0	0 12 0	.. ..
	326	2 28 0	0 8 0	.. ..
	329	3 16 0	0 12 0	.. ..
	332	8 5 0	2 8 0	.. ..
	2	.. ..	.. ..	4 0 0
	3	.. ..	.. ..	5 11 0
	4	.. ..	.. ..	1 34 0
	5	.. ..	.. ..	8 34 0
	8	.. ..	.. ..	5 30 0
	9	.. ..	.. ..	1 15 0
	14	.. ..	.. ..	2 13 0
	15	.. ..	.. ..	0 27 0
	16	.. ..	.. ..	3 23 0
	22	.. ..	.. ..	7 11 0
	23	.. ..	.. ..	5 8 0
	29	.. ..	.. ..	2 26 0
	37	.. ..	.. ..	2 24 0
	38	.. ..	.. ..	0 35 0
	39	.. ..	.. ..	3 13 0
	40	.. ..	.. ..	3 7 0
	41	.. ..	.. ..	2 31 0
	42	.. ..	.. ..	1 21 0
	43	.. ..	.. ..	2 17 0
	44	.. ..	.. ..	0 27 0
	52	.. ..	.. ..	4 21 0
	53	.. ..	.. ..	1 23 0
	66	.. ..	.. ..	1 5 0
	92	.. ..	.. ..	5 32 0
	93	.. ..	.. ..	1 25 0
	110	.. ..	.. ..	4 37 0
	111	.. ..	.. ..	7 38 0
	112	.. ..	.. ..	1 38 0
	114	.. ..	.. ..	7 5 0
	115	.. ..	.. ..	1 26 0
	121	.. ..	.. ..	2 10 0
	122	.. ..	.. ..	5 10 0
	124	.. ..	.. ..	3 17 0
	125	.. ..	.. ..	0 27 0
	126	.. ..	.. ..	15 30 0
	127	.. ..	.. ..	3 26 0
	128	.. ..	.. ..	3 31 0
	129	.. ..	.. ..	0 26 0
	131	.. ..	.. ..	6 14 0
	135	.. ..	.. ..	13 12 0
	136	.. ..	.. ..	9 18 0
	138	.. ..	.. ..	4 30 0
	139	.. ..	.. ..	13 22 0
	140	.. ..	.. ..	40 33 0
	141	.. ..	.. ..	61 30 0
	142	.. ..	.. ..	16 38 0
	146	.. ..	.. ..	13 4 0
	147	.. ..	.. ..	4 19 0
	151	.. ..	.. ..	0 32 0
	156	.. ..	.. ..	8 38 0
	161	.. ..	.. ..	11 8 0
	162	.. ..	.. ..	1 39 0
	163	.. ..	.. ..	2 0 0
	164	.. ..	.. ..	5 3 0
	165	.. ..	.. ..	2 10 0
	166	.. ..	.. ..	5 2 0
	167	.. ..	.. ..	3 1 0
	168	.. ..	.. ..	4 32 0
	169	.. ..	.. ..	2 4 0
	170	.. ..	.. ..	2 20 0
	171	.. ..	.. ..	4 38 0
	172	.. ..	.. ..	2 32 0
	173	.. ..	.. ..	3 31 0
	174	.. ..	.. ..	

Survey No.	Unoccupied Assessed Waste. Area. A. g. a.	Assessment. Rs. a. p.	Unassessed Waste. A. g. a.
175			2 21 0
176			3 9 0
177			4 1 0
178			4 31 0
179			6 28 0
180			6 18 0
181			2 11 0
182			4 7 0
183			2 18 0
184			6 27 0
190			2 16 0
191			3 1 0
192			3 37 0
195			7 18 0
198			2 24 0
200			1 25 0
207			5 28 0
208			3 21 0
213			3 34 0
217			2 35 0
218			4 20 0
219			5 15 0
220			6 7 0
227			4 30 0
228			5 12 0
232			5 28 0
237			5 34 0
243			1 14 0
257			2 31 0
261			2 16 0
262			3 24 0
263			2 17 0
264			4 4 0
265			3 25 0
266			13 16 0
267			5 10 0
268			4 17 0
269			3 27 0
270			5 6 0
292			9 21 0
295			9 8 0
296			9 30 0
297			6 36 0
304			13 34 0
305			6 7 0
306			12 12 0
307			10 2 0
308			4 10 0
310			4 12 0
311			8 2 0
312			2 18 0
319			8 12 0
325			308 20 0
333			13 24 0
334			10 16 0
335			2 27 0
336			0 15 0
337			1 37 0
338			2 37 0
340			0 10 0
341			0 30 0
342			0 24 0
343			5 25 0
344			0 27 0
345			1 16 0
346			1 19 0
347			3 22 0
348			1 2 0
349			4 14 0
350			4 33 0
351			1 4 0
352			4 16 0
353			0 33 0
354			1 14 0
355			0 8 0
356			0 24 0
357			0 27 0
358			0 24 0
359			0 33 0
360			1 16 0
361			0 7 0
362			1 12 0
363			0 24 0
364			0 7 0
365			0 28 0

Name of Village.	Survey No.	Unoccupied Assessed Waste. Area. A. g. a.	Assessment. Rs. a. p.	Unassessed Waste. A. g. a.
Bommanalli—*contd.*	366			1 8 0
	367			0 32 0
	368			0 15 0
	369			1 4 0
	370			1 29 0
	371			2 28 0
	372			0 35 0
	373			2 5 0
Hipnalli ..	43			24 12 0
	68			53 8 0
	69			4 19 0
	78			0 13 0
	79			3 10 0
	80			3 9 0
	81			4 35 0
	82			0 35 0
	83			21 26 0
	84			12 [illegible]
	85			6 19 0
	86			11 25 0
	87			0 20 0
	88			16 18 0
	89			10 39 0
	90			19 14 0
	91			3 36 0
	92			91 21 0
	93			8 9 0
	94			13 10 0
	95			10 10 0
	96			11 29 0
	97			16 36 0
	98			23 26 0
	99			14 38 0
	100			13 22 0
	101			122 53 0
	102			1 27 0
	103			3 32 0
	104			3 35 0
	105			3 39 0
	106			4 1 0
	107			5 11 0
	108			1 32 0
	109			1 1 0
	110			6 5 0
	111			81 13 0
	112			33 1 0
	113			4 30 0
	114			4 6 0
	115			11 34 0
	116			3 36 0
	117			0 19 0
	118			0 18 0
	119			2 14 0
	120			1 [illegible]
	121			0 6 [illegible]
	122			0 12 0
	123			0 17 0
	124			0 6 0
	125			0 4 0
	126			0 5 0
	127			1 29 0
	128			0 12 0
	129			0 7 0
	130			0 14 0

2. The Forest Settlement Officer, Kánara, is hereby appointed, under clause (c) of the same section, to enquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in these lands

By order of His Excellency the Right Honourable the Governor in Council,

J. NUGENT,
Chief Secretary to Government.

Subd.

The orders contained in para 4 of G. R. No 8151 dated 18 Novr 1890 were based on the concluding portion of H. E. the Govr's minute dated 4 idem. The letter may be recorded.

6/12 W 6/12.90 6.12.1

Novr

Forests : Kánara.

No. 8823.

REVENUE DEPARTMENT.

Bombay Castle, 10th December 1890.

Letter from the Conservator of Forests, S. C., No. 3589, dated 27th November 1890 :—

"With reference to paragraph 4 of Government Resolution No. 8151 of the 18th instant I have the honour to report that Mr. Wingate's decisions were received by me in September last. An appeal was made from them on October 2nd. All his decisions have been upset by the Court of appeal."

RESOLUTION.—Recorded.

Erratum.

In the Schedules of Reserved Forests in the Sirsi and Kumta Talukas of the Kanara District, under section 4 of the Indian Forest Act No. VII of 1878 as amended by Act. No. V of 1890 annexed to Government Notification No. 7814 and 7820 dated the 3rd November 1892 and published at pages 1100 and 1101 respectively of the Bombay Government Gazette of the 6th Idem Part I, the Corrections should be made as under, respecting the spelling of the names of the villages specified in the subjoined list.

Sirsi Taluka.

For	Read
Name of village	Name of village
Kharbanahalli बरबनहल्लि	Bhartanahalli भर्तनहल्लि

Kumta Taluka.

Hatinigadde. हातिनिगद्दे	Holinagadde. होलिनगद्दे
Kopsinhosalli कोपसिनहोसल्लि	Sopsinhosalli सोपसिनहोसल्लि

No 268 of 1890/91

Camp Dharwar 16 November 1890

Forwarded to the Collector Kanara with the request he will be good enough cause the above creature [illegible] published in the Bombay Government Gazette

P Y Kennedy
Forest Department Officer
Kanara

Through
The Conservator of Forests
Southern Circle
Sandbail, No. 87
Belgaum
18th November
Forwarded
[illegible]
Conservator of Forests S.

Forest Settlement Officer Kanara's
No. 248 dated 14th November 90.
forwarding an erratum for pub
lication in the Government
Gazette.

No. 5084 of 1890.

Camp Ankola 22nd November
1890.

Forwarded to the Commis
sioner S.D. with a recommenda
tion that the above erratum
may be caused to be published
in the Government Gazette.

A. Woodward
Collector.

Rec'd 11/4/20 3666 H.

A 4575 of 1920.

Secretariat Dharwar Drafts

Comptroller's Office 30 November 1920

Forwarded to the

Under Secretary to Govern-

-ment for favour of compliance.

Allen Lyell

Asst Commissioner

S-D.

Bombay Castle, 27 Dec 1892

No. 9227. Circle.

In the schedule annexed to Government Notification No. 7814, dated 3rd November 1890, published at page 1100 of the Bombay Government Gazette of the 6th idem, Part I, for the village of "Bhavanahalli" read "Bhavanahalli".

2. In the schedule annexed to Government Notification No. 7810, dated 3rd November 1890, published at page 1101 of the Bombay Government Gazette of the 6th idem, Part I, for the village of "Hadi

-guidelines "Lapsi-basalt" and

"Sirinagude and Lapsi-basalt" respect-

-ively

By order &c,
J. Nugent
Secretary to Govt

for publication in the Bombay
Government Gazette

P. C. Wills
Offg. Under Secretary to Govt

No. 239 of 1879.

Revenue Department
Bombay Castle 10th January 1879

Printed copies of the circular
issued by the Commissioner, S.D., the Collector
Kanara, the Forest Settlement
officer, Kanara and the Conservator
of Forests, N.C.

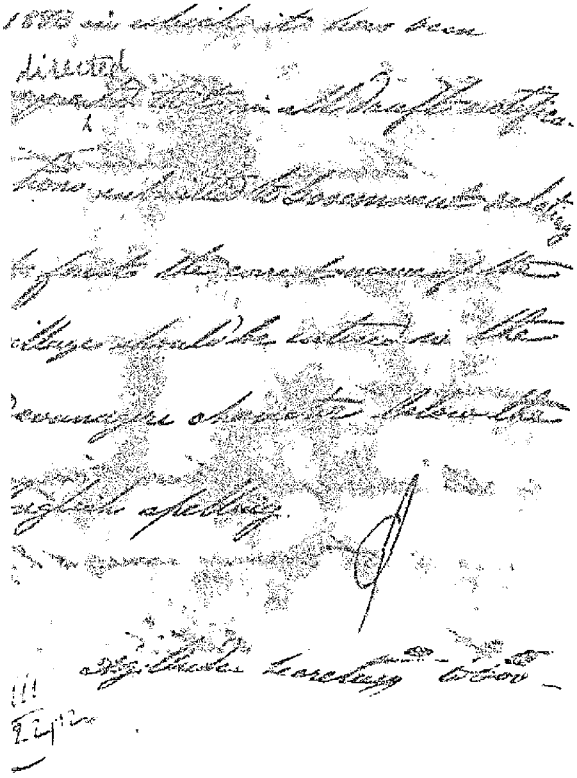
P. C. Wills
Offg. Under Secretary to
Govt

Revenue Department.

Bombay Castle, 27th Oct 1870.

Memorandum.

The undersigned presents compliments to the Commissioner in S.D. with reference to the Officiating memorandum No 4575 dated 30th September 1870, forwarding a list of arrears submitted by the Forest Settlement Officer, Kanara, in connection with Government Notification from No 784 and 785 dated respectively the 8th and 9th December 1870, in which he requests that he will be good enough to direct the execution of the Forest Settlement Officer to Government Memorandum No 83 of 6th January



REVENUE DEPARTMENT

Bombay Castle, 27th December 1890.

No. 9227.—*Errata.*—In the schedule annexed to Government Notification No. 7514 dated 3rd November 1890, published at page 1100 of the *Bombay Government Gazette* of the 6th idem, Part I, *for* the village of "Boarbamahalli" *read* "Bhartanahalli."

2 In the schedule annexed to Government Notification No. 7220 dated 3rd November 1890, published at page 1101 of the *Bombay Government Gazette* of the 6th idem, Part I, *for* the villages of "Hebbagadde and Lagnihosalli" *read* "Halinagadde and Sopinhosalli" respectively.

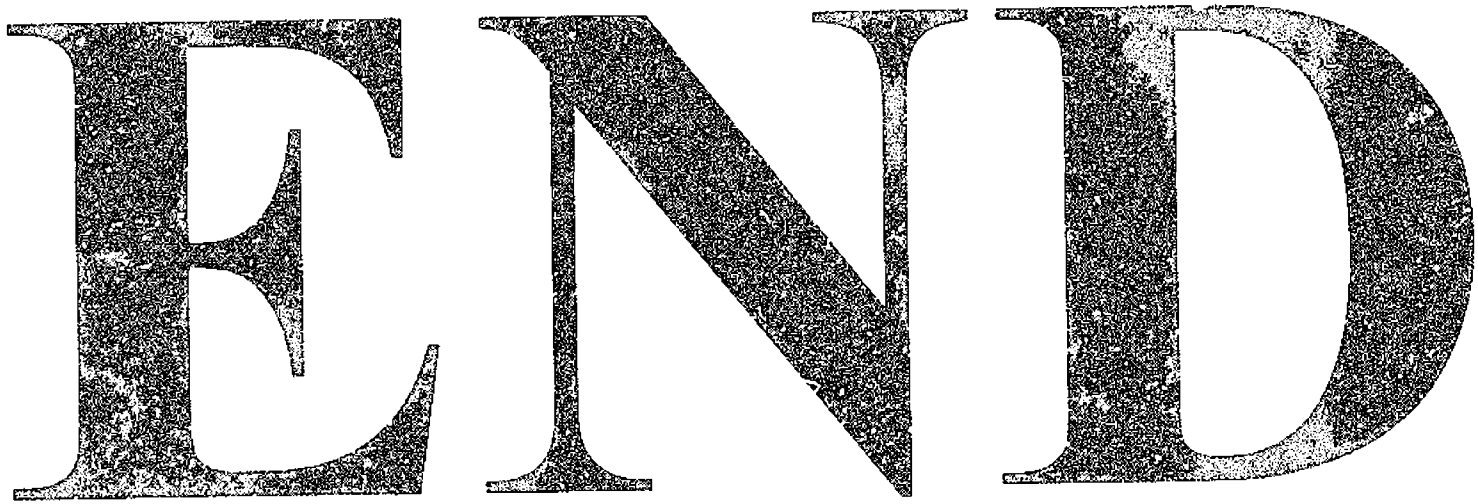
By order of the Right Honourable the Governor in Council,

C. W. VIDAL,

Acting Chief Secretary to Government.

TOTAL EXPOSURES

TOTAL EXPOSURES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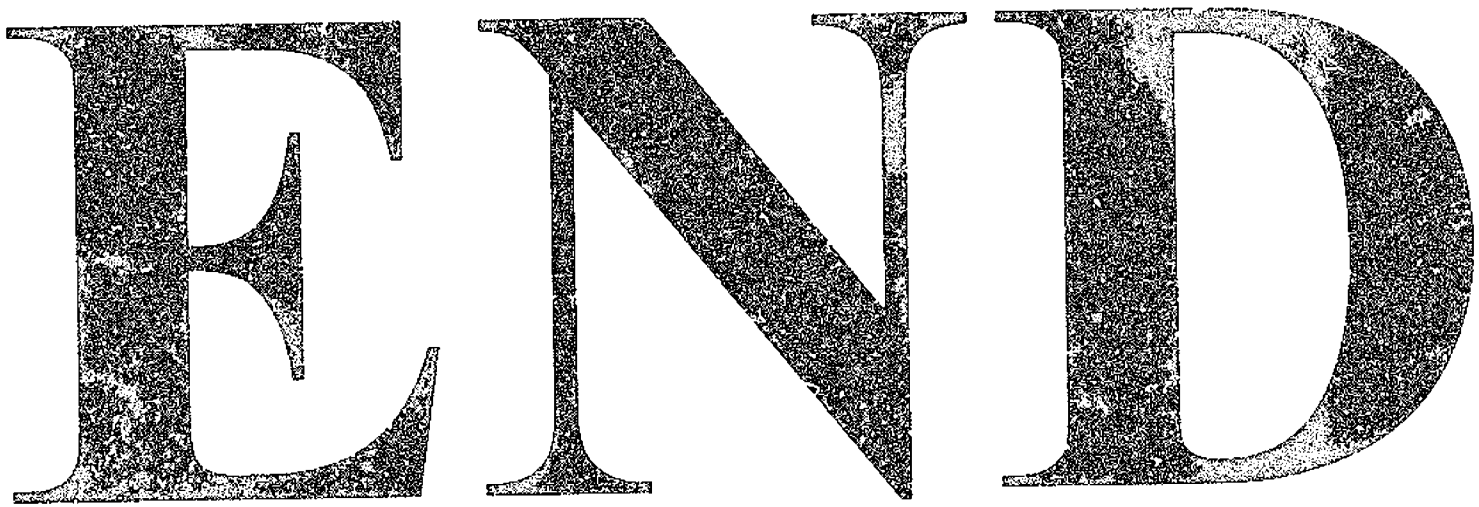
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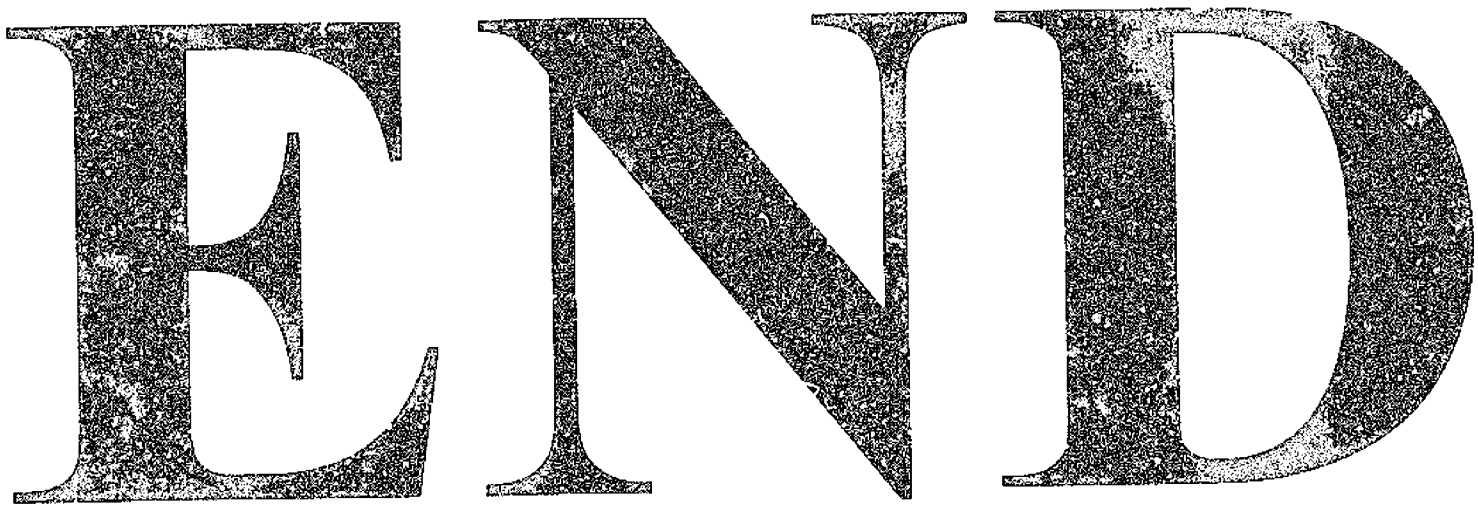

END

START

START

START

START

DEPARTMENT OF ARCHIVES

GOVERNMENT OF MAHARASHTRA, MUMBAI.

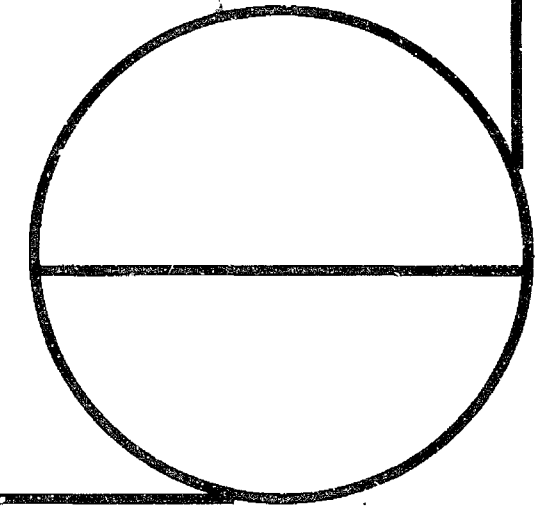
NAME OF RECORD : REVENUE DEPTT. VOL.

NO :

YEAR :

EXPOSED BY : ANIL SAWANT

DATE :



D 41

1890.

Rev. Dept.

No. 541

(4)

Haksl Rusumo

Ratnajiri

Hari Ballal Kanhere

Former Papers in Comp. No.		of 18
Subsequent	.. No	of 18

Statement A

Statement showing the amount due to Hari on half the Village of Hathi.

No.	Year	Survey assessment of half the Village realized after deducting 1/4 of the Village which is alienated.			amount due to Kashee Nath Chakerbutty calculated at 6 pies per rupee on the amount mentioned in Col 3.			amount due to Kashee Nath Chakerbutty realized from the Inhabitants of the Village.			Total.		
1	2	3			4			5			6		
1	1867.68	366	5	2	11	7	1	4	15	9	16	6	10
2	1868.69	435	12	1	13	9	11	4	15	9	18	9	8
3	1869.70	371	4	..	11	9	7	4	15	9	16	9	4
4	1870.71	469	2	6	14	10	7	4	15	9	19	10	4
5	1871.72	355	5	8	11	1	8	4	15	9	16	1	5
6	1872.73	304	10	9	9	8	4	4	15	9	14	8	1
7	1873.74	604	7	2	18	14	3	4	15	9	23	14	12
8	1874.75	396	4	10	12	6	2	4	15	9	17	5	11
9	1875.76	389	12	9	12	2	11	4	15	9	17	2	8
10	1876.77	323	15	5	10	2	..	4	10	9	14	12	9
11	1877.78	382	1	9	11	15	..	4	10	9	16	9	9
12	1878.79	338	11	6	10	9	4	4	10	9	15	4	1
13	1879.80	408	..	..	12	12	..	4	10	9	17	6	9
14	1880.81	384	1	4	12	..	..	4	10	7	16	10	7
15	1881.82	227	12	9	7	1	11	4	10	7	11	12	6
16	1882.83	304	8	6	9	8	3	4	10	7	14	2	10
17	1883.84	336	6	5	10	8	2	4	10	7	15	2	9

Ballal Bankers of Kotki on account of his

Deduct amount already paid.	Net amount payable			Remarks.
7	8			9
17	15	11	— 1	9 1
22	6	7	— 3	12 11
23	13	10	— 7	4 6
10	1	6	9	8 10
11	15	3	4	2 2
"	"	"	14	8 1
8	12	3	15	1 9
9	10	"	7	11 11
9	10	10	7	7 10
11	6	5	3	6 4
16	5	5	"	4 4
12	14	"	2	6 1
13	10	4	3	12 5
10	2	3	6	8 4
6	11	1	5	1 5
7	1	1	7	1 9
10	"	5	5	2 4

Statement showing the amount due to Han
on half the Village of Attli.

no	year	Survey area of one mark of half the Village realized after deducting ¼ of the Village which is alienated.	amount at 6 pies per rupee on the amount mentioned in col 3.	Share of the Sarkar got removed from the amount due of the Village	Total.
1	2	3	4	5	6
18	1884-85	344	10 12 ..	4 10)	15 6
19	1885-86	329 9 4	10 4 9	4 10)	14 15 4
20	1886-87	341 11 8	10 10 10	4 10)	15 5 5
	Total	7413 15)	231 10 9	96 2 10	327 13)

Ballal Bankere of Hathi on account of his kû

Deduct amount already paid.	Net amount payable		Remarks.
7	8		9
9 12 6	5	10 1	
4 8 ..	10	7 4	
.. .. ..	15	5 5	
216 13 8	110	15 11	

Railway in Colombo
Office 30th April 1890

Thomas
for Ag Colombo

Haks, Ratnágiri.

No. 4017.

REVENUE DEPARTMENT. 25

Bombay Castle, 10th June 1890.

Memorandum from the Commissioner, S. D., No. 1687, dated 14th May 1890—Submitting the following letter from the Collector of Ratnágiri, No. A.—30, dated 30th April 1890:—

"I have the honour to forward herewith a statement marked A showing the amount due to one Hari Ballál Kánhere on account of the haks of the District Hereditary Officers of the Khed Táluka (the Kárle Deshpándes) in the village of Asti in the Khed Táluka of the Ratnágiri District purchased and enjoyed by his forefathers since A. D. 1773-74 and to request that you will kindly move Government to sanction the payment.

"2. The history of the watan is as follows:—The Hereditary Officers of the Khed Táluka (Kárle Deshpándes), whose claims to be remunerated at the rate of half an anna per rupee of the Government assessment were admitted, *vide* Government Resolution No. 389 of 3rd February 1879 in the Financial Department, sold half of their haks in the villages of Asti and Anjani to the ancestors of the present petitioner, Hari Ballál, in Shake 1695 (A. D. 1773-74), *vide* deed of sale marked B and its confirmatory letter of Shake 1710 (A. D. 1788) marked C. The village of Anjani is entirely alienated and Government have no concern therefore in the matter of the petitioner's haks in that village.

"3. How the haks as regards the village of Asti which is partly alienated, one-fourth of it being inám to Shridhar Mahádeo Kánitker, were continuously enjoyed by Káuhere since the date of the sale deed is not quite clear. However, under orders from the Commissioner, S. D, on the petition of Báláji Bápuji Kánhere, father of the present petitioner, an enquiry was instituted in 1841 and his claim to half the amount of haks was admitted, *vide* Commissioner, S. D.'s vernacular shera No. 95 of 8th July 1844 marked D, and since that time half the amount of the haks in the village was regularly paid to Káuhere till 1884-85 at the old rates, viz., half-anna per rupee on the cash assessment and quarter of a maund per khandi of the assessment in grain, the other half being paid to the original watandára (Kárle Deshpándes)

"4. The Survey Settlement was introduced into this táluka in 1867-68 when the assessment in kind was abolished and the whole jama of the village was turned into cash. The petitioner now claims to be paid the difference between the amount which has already been paid at the old rates from 1867-68 to 1884-85 and since at half-anna per rupee of the Government assessment. Though the survey rates were introduced into the village in 1867-68, the petitioner's father quietly received his dues at the old rates for nearly 17 years and never protested. The first petition he made in the matter was in 1885.

"5. The present claimant, Hari Ballál, states that his father did not raise the question of payment at the cash rates earlier because he expected to be paid at half an anna in the rupee along with Kárle Deshpándes whose claim was then being considered: but as he was not paid after it was decided in 1879 he began petitioning on the subject.

"6. Under these circumstances I am of opinion that the Káuhere's claim to be paid at half an anna per rupee of half the amount of Government assessment on the Government portion of the village of Asti minus deductions shown in Column 7 of the statement should be admitted since 1867-68 and the non-service settlement applied to the Kárle Deshpándes in February 1888 under Government Resolution No. 6260 of 16th September 1887 be likewise applied to the present watan from that date.

"7. The amount shown as due in Column 5 of the statement is ¼th portion of the mámul judi annually recovered from the inámdár of ¼th of the village on account of haksháre. The Kárle Deshpándes have been paid under the authority of Government Resolution No. 389 of 3rd February 1879 their ½ share of their haks in this judi, and the amount entered in this column is exactly the other half which appears due to Káuhere as Kárle's purchaser."

RESOLUTION.—Sanctioned.

Acting Under Secretary to Government.

The Commissioner, S. D.,
The Collector of Ratnágiri (with the vernacular accompaniments to his letter),
The Accountant General (with copy of Statement A).

No. of 1890.

Copy forwarded for information and guidance to

× R.D. No. 1716 Birth & Death underlined J. R. P. passed in Office & Copy to Chief Secy. Mrs. Nugent 30.5.90

TOTAL EXPOSURES

TOTAL EXPOSURES

END

END

END

START

START

START

START

DEPARTMENT OF ARCHIVES

GOVERNMENT OF MAHARASHTRA, MUMBAI.

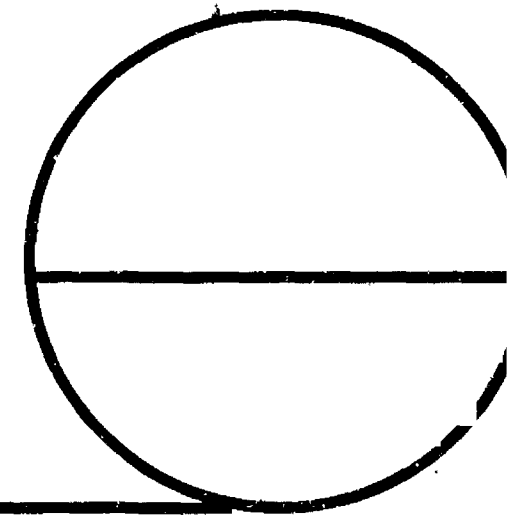
NAME OF RECORD : REVENUE DEPTT. VOL.

NO :

YEAR :

EXPOSED BY : ANIL SAWANT

DATE :



1859.

No. 1254. P. O.

Town Duties, Occa

Belgaum & Dharwar.

Payment of Compensation on account of abolished duties.

Subsequent proceedings — Cough: 317 of 18

No. 128 of 1859

From

The Rev. Comr. for Alienations

To,

The Secretary to Government

Bombay

Dated at Bombay the.

11 January 1859

Revenue Department

I. C.

No 3776

On the 26th of September 1856 Government passed the following Resolution on a correspondence relative to the claims of the holders of alienated villages in the Belgaum and Dharwar Collectorates to compensation for loss sustained by them under Act XIX of 1844 :—

"His Lordship in Council can have no doubt that the interests of Government demand that the claims for compensation for abolished Town duties which have been fully substantiated should be met by a single payment rather than by redeemable Bonds bearing interest at 10 per cent

"2 The amount of these claims in the Belgaum and Dharwar Collectorates is stated by Mr. Chapman at Rupees 4603. 2 y triennium which at 10 years purchase amount to Rupees 50624. 12. 5.

1 & 16 inclos

17.

No. 128 of 1859

From

The Rev. Comt. for Alienations

To,

The Secretary to Government

Bombay

Dated at Bombay the

11 January 1859

Revenue Department

Sir,

On the 26th of September
No 3776 1856 Government passed the following
Resolution on a correspondence relative to
the claims of the holders of alienated villages
in the Belgaum and Dharwar Collecto-
rates to compensation for loss sustained
by them under Act XIX of 1844: —

" Her Lordship in Council can have no
" doubt that the interests of Government
" demand that the claims for compensation
" for abolished Town duties which have bee
" fully substantiated should be met by a
" single payment rather than by redeem
" able Bonds bearing interest at 10 per cen
" 2 The amount of these claims in the
" Belgaum and Dharwar Collectorates is
" stated by Mr Chapman at Rupees
" 4603 2 y per annum which at 20 years'
" purchase amount to Rupees 5062 4. 12. 5
" 3 Government determine that the whol
" of these claims be adjusted by a single
Upayment

Rec'd 12 Jan'y 59.

"payment of Rupees 9,666. 8. 5 which is
"sanctioned accordingly". —

On the 31st of August last
the Civil Auditor sent for my attestation
a statement prepared up to 1856 of com[n]. compensation payable in Belgaum in accordance with the Resolution above quoted. Two more years have since passed, and arrears for these will I presume have to be added. —

* Rupees 69380 including arrears for 11 years.

I have now the honor to
solicit the instructions of Government
with reference to the correspondence
ending with their Resolution No. 3091 of
the 18th September last, whether under
the Honorable Court's order therein re-
ferred to, these claims are to be
received and struck off under the Resolution of
September 1856. —

I have the honor to be,
Sir,
Your most obedient Servant.

Wm Wilson Chaplain
Revg Comm[r] for Alienations

From the Revg Comm[r] for Alienations
No 128 of the 11th January 1859
Requesting instructions regarding the payment of compensation on account of forfeited Inams. —

Revenue Cons 1859
... ult 5th June 1859

No. 194 of 1859

From,

The Revenue Comm.r for Alienations

To. The Secretary to Government

Bombay

Revenue Department

Dated at Bombay the

Sir, 17th January 1858

Since receiving the Government Resolution of the 18th September last, I have examined the whole of the statements of compensation on account of abolished Mauta Possessions received from the Collectors of Dharwar and Belgaum. In their present state it is not possible that I can forward them to the Civil Auditor with an intimation that they appear correct and may be passed, for they are replete with discrepancies which can only be cleared up by careful and laborious enquiry. At present the nominal Rolls prepared in 1824 by Mr. Nisbet, whose settlement is, according to the Government orders marginally noted, to be upheld, are not forthcoming, and in their absence it is of course impossible to determine to whom payment should be made in the case of personal allowances, and there are other matters demanding explanation

which

* No. 1677 of 5th June, and 5059 of 9th Nov. 1854.

Rec^d 18 January 1839.

2d

which has been called for - For instance on com
paring Mr Nisbett's general statements submitted
to Government with those now received from the
Collectors, there has been found an enormous dif
ference between the amount of the former, and
that shown in the latter as the sum fixed by Mr
Nisbett -

2 There are however a great number of allow
ances & Temples, which being of a permanent na
ture, can after comparison with Mr Nisbett's state
ments be paid, when I shall have ascertained
whether or not Government desire to modify their
order directing payment in full of these claims -
On this point therefore I have the honor to
solicit instructions. I am not aware that I
can place before Government any further informa
tion affecting this portion of the question -

I have the honor to be,

Sir,

Your most obedient Servant

Alex Nicholson Captain

Rev^g Com^r for Alienations

From the Rev^g Comm^r for Alienations

No 194 of the 17th Jany 1839

Regarding the payment of Compensation
on account of absolished Rent-free Tenures
in the Belgaum and Dharwar Collectorates

Copy
G.G. Ed
E.B

Sec. Res. No 2119.
Vol 193/56
P 105.

In their Resolution No 3776 dated the 26th Sept 1856 Govt directed that the whole of the claims of the holders of alienated villages in the Belgaum & Dharwar Collectorates to compensation for loss sustained by them under Act XIX of 1844, should be adjusted by a single payment of

the Amount of the claims
Rs 4603. 2. 7 per annum
which at 10 years purchase
amounted to ——— Rs 46031 12.
Arrears due for
11 years amounted
to ——— Rs 50634 12 5

Rs 96666 8 5

Rs 96666. 8. 5.

Comp. 795/58

2 In the course of a correspondence which subsequently took place consequent on Govt having in their Resolution No 2110 dated 24th June 1858 directed the disbursement to certain Hereditary Officers of Land Customs in the Province of Gujarat of Rs 11688. 47. & the redemption by a payment of Rs 6750. of all future claims on account of Commutation for loss of Huchs abolished under Act I of 1838 Capt Cowper alluded to a Communication from the Honble Court (No 1 dated the 23d March 1858 Com 12) declaring, with reference to a separate correspondence regarding arrangements for the redemption of Bonds granted in Compensation for Huchs abolished by Act I of 1838 & XIX of 1844) that it was expedient to defer the measure.

× Govt Mem No 3698 dated the 10th Sept 1858 Comp. 798/58

3. Captain Cowper was informed × that the objection raised by the Honble Court to the redemption of the Bonds referred to by him was founded on the injurious operation of the measure on the interests of the Bondholders and the discontent thereby likely to be created but that in the particular instance to which the Resolution No 2110 dated the 24th June 1858 referred Govt did not consider that these objections applied as the bond holders would receive at one payment the large sum of Rs 18358 in Commutation of Huchs which produced Rs 675 per annum —

4 Captain Cowper however in his reply (No 2603 dated the 16th Augt 1858) stated that it seemed to him most undesirable to pay off at once the claims in question, should Govt not be prepared to follow

a

a similar course with respect to the remaining claims in the Dharwar & Belgaum Collectorates which he stated would shortly come before them.-

5. In their Resolution No 3091 dated the 18th Septr 1858 Govt informed Captn Cowper that they would decide when the details were placed fully before them as to whether the unadjusted claims on account of compensation for abolished Rowsoms in the Dharwar & Belgaum Collectorates were to be liquidated by one payment or otherwise, but that in the mean times the Resolution No 2110 dated the 24th June 1858, was to be carried into effect.-

6. In his "communication No 128 dated the 11th January 1859 Govt Resn of the 26th Septr 1856 reports that the Civil Auditor has sent for his attestation a statement [redacted] ch to 1856 of compensation payable in Belgaum in accordance with that Resolution - and observes that as two years have since passed, arrears for these will, he presumes, have to be added.- R.D. 214 see para 1 of this abstract

7. Captain Cowper solicits instructions with reference to the correspondence ending with Govt Resolution No 3091 dated the 18th Septr 1858 whether under the Hon'ble Court's order therein referred to these claims are to be at once paid off under the Resolution of 26th Septr 1856 do para 5 of D.D.

8. In a further communication, Captn Cowper reports that he has examined the whole of the statements of compensation in lieu of abolished Meeta Rowsoms received from the Collrs of Dharwar & Belgaum, and states that as they are replete with discrepancies which can only be cleared up by a careful and laborious enquiry, & regarding some of which explanation has been called for by him, he cannot forward them to the Civil Auditor with an intimation that they appear correct and may be passed.- G. J. No 324

9. Captain Cowper at the same time represents that there are a great number of allowances to Temples, which he states, being of a permanent nature, can after comparison with -

Mr

Mr Nisbet's statements prepared in 1829) be paid who he has been informed whether or not Govt desire to modify their order directing payment in full of these claims. On this point Captn Cowper solicits instructions, and adds that he is not aware that he can place before Govt any further information affecting this portion of the question —

Rev

The Rev Court for Claims to be informed that the Resolve of the 26th Sept 1856 has been confirmed by the late Court of Directors, who signified their assent in the same Dispatch in which they communicated the remarks which he presumed might affect ~~[illegible]~~ the decision of Government.

Those remarks therefore do not apply to the two Claims referred to in the Governmental Resolve of the 26th Sept 1856.

The observations of the Hon Court appear to this Board to afford a ground to have reversed chiefly to

Simple facts, and a further
reference will be made to
the Home authorities upon
the subject.

For this days of
Last alone Capt Topper
should consider himself
as in abeyance, pending
the receipt of the orders
of the Secretary of State
for India in Council in
opinion that these deviations
from is caused by
real delay in payment
than by the adoption of
Even an unpopular mode
of payment, one half
of the whole amount of
arrears due should be
forthwith paid to the claimants
in which case, [illegible] to proceed on sending the
[illegible] of evacuation to the
[illegible] Engineer.

Q. March 30.

Secy 16/5/79.

In submitting for
approval the foregoing Address
Rev. Mr. Kelly begs to point
out as remarkable, that on
the same day that the
last word directed for the Depu-
tation to wait upon Lord
Grey appeared in a Paper
in disposing of that question
of a large number of Clauses

The Address concurs
that the order to defer the
Report of Lord Ripon to
Ecclesiastical, which formed
the chief subject of discussion
in the Letter to which that
has replied.

Should this
take place the Address would request
that it might be in good plan
to address the Secretary of State
in reference to that point

Under the present Resolution
of Int & Support Retained
& Payment of Temples Bonds stand,
they can be paid permanently
on behalf of the town they
second before the item of
Income was abolished, viz
Payments of R & under, w
were compensated.

This would be much
more popular than paying
off the Temples Bonds & much
more economical than
ordering to pay the whole
amount, as the Abolishment
appeared intended to do.

If the Res. a this
were be approved, the
Assessors will submit a Rate
Table to the State Approval

I should like to see the despatch in question - I am not disposed to think that any difference should be made between payments made to Templer and to individuals -

Ly March 15.

Mr Ly March 16

Mr Ashley says to
Inform the papers called for.
State be seen that
the papers upon which para 1½
of the Lords despatch was
written have reference also
exclusively to the Templer.
& it appears to have been
their particular claim of
allowance that the
Govt has decided to compensate
by a ready money payment.
while they in Ceylon have

dispatch, sanctioned the
payment of half a per cent
in the form of commutation,
& annual payments to Corporation.

The Assessors submit
that there is a great deal of
difference between Temple &
other Parishes. An individual
accepts certain annual
value & his allowance & profit
both ceases at Xmas following
but who is to do this for the
Temple. It is justly observed in
the first Report in reply to Mr Cook
para 129 Mr Cook, dissatisfied
has written that we cannot
conclude from these Trustees
of the Temple property, Parochial
or the Church Land Act a clause
from the Report which
may for Church purposes

is closely connected with the Abbey & Parish & the Community. In the appointment of Commissioners there are clearly many objections. The Mandatory interference, compulsion & use, & the result is a deficiency, the Temple & Tudor Communities are reduced. It is respectfully submitted that wherever any Temple lands are permanently & are not for the benefit of individuals, there may with reason be made a difference in the treatment of this particular class. To reduce this allowance annually & engage & continue permanently in the same thing, pay & [illegible]

annual allowances for
deprivation 5 per cent, the
redemption proceeds
invest in the money, for
support invested, while to
reduce the allowances on half
pay not unreasonable, seeing
that the sums from which they
were originally paid have
been abolished, & gradually
made up for by the Malt
& Salt

I have the greatest objection
on principle to make any distinctions
between grants made for religious
and for secular purposes. If we
make any difference in favour of the

Temple grants we [illegible] colour
~~[illegible]~~ the accusation of
encouraging Idolatry - and it
seems to me that we are not behaving
quite fairly to the holders of Secular
Loans & Trusts.
I think that in the case of Temples
the payment should always be
made to a Committee of the most
respectable persons of the Class in
creed interested in the prosperity
of the Temple. I should have no
objection to make it a rule that
the principal sum should always
be ~~always~~ invested in land or in
Govt Securities & that the rent or
interest only should be disbursed
by the managing Committee -
I think that if these views are
communicated by my humble Colleagues
they might be embodied in a
letter addressed to the Secy of State.
In the mean time Capt. Courtice

shall be directed to carry out the
payments ordered with the exception
of the Temple payments - one half
of the arrears being distributed to
them as proposed in the draft resolution

Ex March 30
Wm Bee - 30.

I do not think that the Courts despatch
p. 12 Bund 23.1858 had any special
reference to temples - it must argue
the Justs of 10 p. cent & 5 p. cent, & bp to
Missions. - It is to my mind inconceivable
that the distinction which the Act Legislature
should, if it had any existence have been left
so completely unexplained. The Hindu C. never
works in this & kindred matters.
I believe the general subject of redemption
of Bonds for Hindu institutions was the point
in view when charges of dividends
on religious institutions (temples & Mosques &c.)
I have no doubt whatever that pay-
ments ought to be made to Committees
of Mgt. of Temples - as has been already very
distinctly ruled by this Govt - after the fullest
discussion - & to this course there is not the
smallest difficulty. There are generally
Committees - where there are not the
Community can be required to appoint

them, & I scarcely think the funds
for their own religious institutions
can be placed in better & more
appropriate hands than those
which the native Society itself
chuses. Govt can have nothing
to do with the disposal of the
money after it has been once lodged
with the Committees so made
responsible. In any maleversation
the Criminal & Civil Courts provide
ample remedy, which as the other
laws I fully agree in the opinion
recorded of the Right Hon'ble Gent
concurred in by my Hon'ble colleagues
that the distinction supported by the
Advocate is clearly liable to the
charge of favouring Idolatry, it
would [illegible] an anomaly
in the Government & idolatry
& an interference with the secular
investments of the Natives
which I cannot but believe
unwarrantable. I think we
should never hear the end of
it.

This is my foundation
in the disposition of the
Committees
orders
Jan & Exemption cases.
I am not in the least disposed

to admit the new States
Officers are more persuasive
of the Bill of Corruption. Doubtless
there are bad ones; but if Just. cannot
trust in them as a Country Officers
by appointing a Committee of this
Country men I cannot under-
stand how he can trust with
any thing else yet the Municipal
and to Militia and the duty
all County Employes in Lancaster to
are by Law. Many amounts
Many Thousands of Dollars
The Assistant Clk. or an
Assistant Specially named by the
Court can however if thought necessary
by the Court in Land appoint
to the Committee - declare to
the Treasurer Committee
then the Justices for which they are
appointed & take the Oath. They must
take Care of the Money & pay it
Money in Such Sums as the Court
& of the Temples & Windows
Commissioners & Standard, which
then L the Windows Commissioners
are Always. I do not see why
Just should be so mistrustful
of the Citizens of the Country
& the Justices; as they at a time
in Sessions;

When we are every day organizing
Municipal corporations & entrusting
them with the annual expenditure
of large sums of money & teaching
them the principles of self-government,
we should hold them in leading
strings & the Department by whose
it should they are to be controlled. —

Submitting my views I would
most respectfully suggest to the
Right Hon. President & the mode
of the money grant & the
for Secretaries as to the
& condition of payment, omitted.
a suggestion to the
securing of the money & the
time modes might be offered
of the first completion
the adoption of it would
the Sec. I think to the work of the
Committee; & left optional. —

J. & R.

April 2?

In the meantime the deadline
amended, may perhaps be
passed, & the Secretary may
prepare another draft referring
the whole question both as to
terms & conditions grants to the
Secretary of State & Co. Cities

I think the Lady Superintendent should be made acquainted with the opinion of the Secretary of State should be made. But my view of the intention of the Home Office remains unaltered: - I should be sorry to support the Home authorities in a course which I believe to be wrong

Yours truly
S. H. R.
April 8th

I agree to the Lady Superintendent of the Nurses of the Establishment should not be reminded for attendance without their having to organize to give up [illegible]

[illegible]
12/4/58

Note the Queen's Regulations was delayed by the Lords Committee of Privy Council on account of the Cost of Printing

Will Superintendent please see
Miss Nightingale 12/5/60

MEMORANDUM.

37

Each of the Authorities whose names or official designations are noted below is to understand that the following Copy or Extract of Resolution (together with any Papers that may be appended) is sent for his information or for his information and guidance (as the case may be), and for the issue of such subsidiary orders as may appear necessary for giving effect to the views of Government.

No. 1864 of 1859.

Dated Bombay Castle, 10th September 1859.

TERRITORIAL DEPARTMENT.

Copy of the Resolution passed by Government on the Papers noted in
the margin [illegible]
reference to the
[illegible]
Correspondence
on account
noted in the
[illegible]

Revenue bonds 1859

of 3d June 1859

Summary.-

1. Act I of 1838 abolished the levy of transit or inland customs duties, and Act XIX of 1844 abolished the levy of Town-Duties and all Taxes upon Trades and professions within the Bombay Presidency.-

2. Upon these items of Revenue certain Zemindars and others had their shares or Hucks and as by their abolition these Parties were deprived of their perquisites, Govt after a reference to the Govt of India, resolved on granting them compensation for the loss they sustained.-

3. The claims to compensation were for the first few years investigated by the respective local Officers but eventually (in 1848) two Special Commissioners were appointed for enquiring into and settling these claims in the Southern and Northern Divisions of this Presidency.-

Vol. 23 of 49 Page 169.

4. The several classes of claimants were as shewn in the margin, and their claims were ordered to be settled according to the following Rules adopted by this Govt with the sanction of the Govt of India

1. Hereditary Proprietors of Estates or Villages within or without the Pale of the Regulations.
2. Proprietors of estates or Villages not hereditary, within or without the Pale of the Regulations.-
3. General District Officers (i.e. Officers of Land Revenue)
4. Hereditary Officers of Land Customs.-
5. Hereditary Officers of Sea Customs.
6. Grants to Temples, Musjeeds, and Public bodies or institutions of a permanent nature.
7. Hereditary Grants to Individuals without any condition of service.-
8. Grants to individuals with or without any condition of service but not hereditary.-
9. Mewassee Chiefs and Bheels.-
10. Talookdars or Hereditary Lease Holders.

"1 Claimants of the first class to receive at their option, a life grant equal to the amount of their average net Annual Income (i.e deducting charges) or a Bond for ten times that amount bearing ten per cent interest redeemable at the pleasure and convenience of Govt without notice

"2 Claimants of the 2nd class to be compensated ordinarily, if not universally by an annual payment for life equal to their average Net annual Income, subject to an abatement in consideration of any services or other equivalent that the Govt might claim.-

Claimants

Vol. 23 of 49 P. 191 L. Govt to Revenue Dept 9 March 1849. P. 284.

Reply from do No 299 of the 7th April 1849

3. Claimants of the 3d Class to be compensated by a Bond for five times the amount of their annual net Income bearing interest at the rate of ten per Cent redeemable at the pleasure and convenience of Govt without notice.—

4 Claimants of the 4th Class are to receive the amount to which they have hitherto been entitled performing service in the Department.—

5 Claimants of the 5th Class are to be compensated by a Bond for ten times their annual net Income bearing ten per Cent interest redeemable at the pleasure and convenience of Govt without notice —

6 claims of the 6th Class are to be adjusted by the grant of a Bond bearing ten per Cent interest for ten times the annual net Income, the Bond to be redeemable at pleasure and convenience without notice.—

7 Claims of the 7th Class to be compensated in the same manner as those of the 6th Class.

8 Claimants of the 8th Class to receive annually at the option of Govt the average amount of their net Annual Income for life or to have their claims adjusted by a money payment.

9 Claimants of the 9th Class to have their allowances continued as heretofore, the amount being transferred to the Head of the Police as a charge of that Department.—

10 Claims of the 10th Class are to be adjusted by a remission from the amount of a Lease for the period of the current Settlement equal to the net annual average of their claims.—

5 From the above it will be seen that in several of the cases the claims were ordered to be settled by the grant of bonds. . . . . on condition that whenever Govt released the Bonds would be redeemed by payment of the principal.—

6 In a letter No 31 dated the 9th March 1853 the Comm[r] of Customs, Salt & Opium reported

Vol 106/55
~~X~~ 31.

reported that Mr. A. D. Robertson who has formerly held the office of Claim Commr. St. D. had from time to time sent to his Departt Bonds for delivery and payment to persons entitled to compensation for Tucks and Shares abolished under Acts I of 1835 & XIX of 1844 and applied for the instructions of Govt on the subject.—

7. In submitting a Memr in explanation of certain points noticed by the Right Honble the Governor on a draft Resolution disposing of the above communication from Mr Spooner, the Chief Secy. Mr Young expressed an opinion that as the Bonds granted to Tucdars bore interest at 10 per cent and were redeemable at the pleasure of Govt it was very desirable that their redemption should take place as early as possible.—

P. 157. × & Cir 5th June 55

8. With reference to this the Right Honble the Governor observed "there can be no doubt that bonds bearing 10 per cent interest had better be redeemed as soon as possible".—

9. The Honble Mr Lumsden also remarked that "If the Right Honble the President's suggestions on this head can be acted on I think it very desirable that it should be done".—

10. The Accountant General to whom a reference was made to ascertain whether he would recommend any thing to be done towards the redemption of these bonds, gradually or otherwise, reported that the sum payable on account of such Bonds granted amounted to Rs. 7,19,189. 4. 3. and that as a mere financial matter it would appear very advisable that these Bonds should be redeemed as early as practicable. He was however apprehensive that the proposed measure would be distasteful to the Bondholders and be otherwise objectionable, and at his suggestion a reference was made to the two Revenue Commrs on the subject.—

Mr Elliot's letter No 576 dated the 21 July 1855.

11. Before a reply from the two Revenue Commrs

Commr was received a further discussion took place relative to the advisability of redeeming the Bonds; this discussion originated in a reference made by the Commr of Customs, Salt & Opium on the subject of the grant to certain Huckdars of the Southern Konkan of Bonds on account of compensation for abolished Hucks. Col. 1?/55 P 183.

12\. In reply to a querry by the Right Honble the Governor (on a Draft Resolution) — whether it would not "be better to pay them (the Huckdars) "the money — — — — — — "than to give these Bonds at 10 per Cent interest" the Chief Secretary Mr Young submitted that the granting of Bonds to the Huckdars as compensation in cases where the source from which their Hucks were derived, had been abolished, had been proposed as being in conformity with the practice adopted in other similar cases. P. 199 Memo: by ? the 8th Sept 1855.

13\. Mr Young added

"2 As a financial transaction the issue of Bonds bearing 10 per Cent Interest and redeemable at pleasure certainly seems altogether anomalous when there is reason to know that money can be procured to any extent at 5 per Cent."

"3 But it is to be borne in mind that the bonds in question are not transferable like ordinary Govt paper, and that they are held only by parties having a claim on the indulgence of Govt. The amount of the Bonds granted to these persons is fixed at 10 times the annual value of their Hucks and interest being allowed at 10 per Cent they receive for the present only the full annual value of those Hucks. The holders would be much dissatisfied were these Bonds to be at once redeemed, though such redemption must eventually take place it should perhaps be for the present deferred."

"4 The total value of Bonds bearing interest at 10 per Cent which have been issued as compensation to Huckdars is reported by the Accountt General to be Rs 719,189 4.3."

The

14. The Right Honble the Governor made the following observations

"As a financial measure it would clearly be a "gain to Govt to pay them off. I very much doubt the "expediency of giving any more Bonds at a higher "rate of interest than the current one - I should be "inclined to pay the Huckdars the ten years value of "their Hucks at once, and "consider it and believe "that they would consider it a most liberal com- "pensation -

15. The Honble Mr Lumsden agreed and remarked that he would not make the receipt of compensation imperative on parties to whom bonds had already been issued at once until after a fixed period of which notice would be given. -

16. The Honble Mr Inglis concurred adding that unless a time for the bond to run were specified in it he saw no reason why it should not be at once redeemed. -

* ie 3990 dated the 22nd Sept 1855.

17 - in the resolution that was passed on Govt on Mr Chooner's Communication referred to in para 11. - of this Summary, whereby the Hon General was requested to prepare the necessary Bonds &c delivery to the Huckdars therein mentioned it was decided that no more such Bonds should be issued, and the Accountant Genl & Mr Spooner were informed that Govt considered it preferable to compensate Huckdars by paying them the ten years value of their Hucs at once. -

18 Mr Rose the late Claim Commr

X . was called on to report whether there was any understanding expressed or implied when the arrangement to compensate by Bonds was first adopted, as regards the time when the Bonds would be redeemed. -

19. A similar reference was made

X to Mr F. S. Chapman (who was entrusted with the duty of enquiring into claims to compensation in the S. M. Country & Ahmednuggur which had remained uninvestigated by Mr Rose) The

20. ..... The reply of the two Revenue Comm^rs to the reference mentioned in Para 10 of this Summary was submitted to Gov^t on the 12th Feby 1856. It appeared that the Coll^rs of the Northern Division were in favor of the redemption of Huckdars Bonds as a financial measure, but they considered it would be distasteful to the holders, and did not advise its immediate execution. — Vol: 102/56 P. 147

21. In the Southern Division the opinion of Mr Tytler, the Coll^r of Ahmednuggur, and of his 1st Asst. Mr T. S Chapman was also unfavorable to the early redemption of the Bonds, and their opinion was concurred in by Mr Reeves, while the other Coll^rs considered that the early redemption of Bonds would not be distasteful to the holders.

22. The Revenue Comm^r S.D. considered the opinion expressed by the Collectors of his Division to be the more correct as to the feeling with which the measure was likely to be received remarking at the same time, that the holders of the bonds had not very strong grounds to grumble at being paid off, the bonds being expressly made redeemable at the pleasure of Gov^t.

23. The Accountant General, to whom a reference was made, reported under date the 18th March 1856, that the total value of Bonds granted to persons entitled to compensation for Inams abolished under Acts I of 1838 & XIX of 1844 amounted to Rs 649872. 10. 5. P. 169

24. The following Resolution was passed by Gov^t under date the 29th March 1856 No 1037

"It appears to His Lordship in Council that even if it be admitted that compensation was originally granted to Huckdars in the form of Bonds bearing 10 per cent interest partly with the view of inducing those who claimed such compensation to accept it more readily than they otherwise might have done under the impression that the said Bonds would not be hastily redeemed, yet this

arrangement

"arrangement had also another object which was to
"enable Govt to suit their own convenience as to the
"time when the Bonds should be cancelled.—
"2 They have now in most instances been
"held for 17 years during which the holders have
"enjoyed the high rate of interest which they bear.
"The consideration due originally to those holders
"may now be fairly considered as having been
"fully and liberally accorded and the interests
"and convenience of Govt may, without any breach
"of faith or evasion of contract either implied or
"expressed be henceforth alone consulted.—
"3 There can be no question as to the financial
"expediency of at once redeeming the whole of
"these Bonds but their immediate redemption
"involves an outlay of six and a half lacs of
"rupees a sum which could not be at once
"disbursed without considerable inconvenience.
"4 Under these circumstances His Lordship
"in Council considers that it would be expedient
"to distribute the redemption of these Bonds
"equally over say three years, this would
"leave Bonds to the amount of Rs 2,16,24. to be
"redeemed annually.—
"5 In order to secure regularity and system
"it seems advisable that the duty of redeeming
"these Bonds should be placed in the hands
"of one Executive Officer and as most of the
"holders are Huckdars of Customs it may be
"convenient to nominate the Commr of Customs
"Salt & Opium to the said duty.—
"6 He should be directed to pay off the
"Bonds in succession according to their Register
"numbers giving however preference to claimants
"who may apply to have their Bonds cancelled
"and he should commence his operations by at
"once inviting such applications all parties
"applying should be admitted to have their
"Bonds cancelled notwithstanding that the

sums

sums so applied for may be in excess of one third of the whole amount of the redeemable "bonds."

p. 203.

25. The proceedings were reported to the Honble Court in Clause 11 of Letter No 91 dated the 2nd Decr 1856.

26. Mr Rode (late Claim Comm^r) Vol 19 p. 56 & p. 11

S. D. in reply to the reference made to him and mentioned in Para 18 of this Summary reported that it was expressly specified in all settlements of claims that the Bonds would be redeemable "at the pleasure and convenience of Gov^t" and that if his memory served him rightly this condition was distinctly specified in the body of all Bonds given in satisfaction of claims adjusted by the Auck Comm^rs

Mr Rose's letter No 684 dated the 28th Septr 1855.

27. Mr Chapman in reply to a similar reference made to him, reported that at the time the arrangement to compensate by Bonds was first adopted, no limit as to the time when they would be redeemed was expressed and that claimants were merely informed that the Bonds awarded them were redeemable at the pleasure of Gov^t.

Mr Chapman's letter No 55 dated the 24th Septr 1855.

"At the same time, added Mr Chapman, I think the fact of this mode of compensation having been resorted to is sufficient I trust to imply that the redemption of the Bonds was not to follow immediately on the award of compensation otherwise there would have been no difficulty in disposing of all claims by payment of a bonus, and the necessity for issuing Bonds at all would have been avoided."

28. With reference to the orders of Gov^t directing that the issue of all Bonds was for the future to be stopped, Mr Chapman brought to notice that there was a large number of claims of Doomaldars on account of the abolition of Mokturfa rents in their alienated villages which

See Paragraph 17 of this Memorandum.

under

under the orders of Govt had been disposed of by annual payments pending the decision of the Inam Commr as to the validity of their titles. Mr Chapman therefore considered it would be advisable at once to dispose of these cases by payment of the amount of principal of the bonds the Claimants would therein have been entitled to -

29. After some correspondence on this subject, Govt passed the following Resolution -

"His Lordship in Council can have no doubt "that the interests of Govt demand that the claims "for Compensation for abolished Town duties which "have been fully substantiated should be met by "a single payment rather than by redeemable "Bonds bearing interest at 10 per Cent -

"2 The amount of these claims in the Belgaum and Dharwar Collectorates is stated by Mr Chapman "at Rs 4603. 2. 7. per annum, which at 10 years "purchase amount to Rs 46031. 12. " The arrears "due for 11 years amount to Rs 50634. 12. 5. -

"3 Government determine that the whole of "these claims be adjusted by a single payment "of Rs 96666. 8 5. which is sanctioned accordingly.

30. These proceedings were also reported to the Honble Court (in Clause 25 of letter No 7 dated the 2nd Feby 1857.)

31. On the 6th June 1857 the Commr of Customs, Salt & Opium submitted a report on the progress made with regard to the redemption of Bonds for compensation during the year 1856/57.

32. Mr Spooner was requested to report annually in June the progress made by him in redeeming the Bonds which had been given to Huckdars in compensation for loss sustained by the abolition of Hucks -

33. In Septr 1857 a petition was presented by Lucumon Wullud Banorjee and Kadra Wullud Nana Pansaree Patells of Akola in the Ahmednuggur Collectorate, complaining of being refused

Nº. 35

No 2276 dated the 26 Septr 1860 -

Vol: 107 of 1857, 0177

Govt Res No 2961 dated the 22 June 1857

These proceedings were reported to the Honble Court in Clause 6 of letter No 52 dated the 27 July 1857

No 42/58.

refused by the Govt interest after the 1st Janry. 1857 on the Bonds held by them on account of Compensation for loss sustained by them by the abolition of Transit duties.—

34. On a reference made to the Revenue Commr S. D. it appeared that the Petitioners were not ignorant of the conditions of the Bonds then received, and of the fact that all interest ceased from the 31st Decr 1856 and that a few days previous to this date payment of the principal had been tendered to them.—

35. In submitting a Draft Resolution (in which it was proposed to inform the Petitioners that the bonds held by them were redeemable at the pleasure of Govt) the Chief Secretary Mr Young suggested that under existing circumstances it might be expedient instead of proceeding to redeem such Bonds to give their holders an option of receiving in exchange bonds for a similar amount bearing 5 or 6 per Cent Interest, and not redeemable for a certain period say 20 years.

36. This suggestion was considered by the Right Honble the Governor to be a very proper one and a reference was made to the Commr of Customs, Salt & Opium and to the Jt Revenue Commr for Alienations for their opinion on the subject.—

37 On receipt of their reports however, a discussion took place among the members of Govt and the following Resolution was finally passed.

"Under all the circumstances His Lordship in Council considers it advisable to refrain from adopting measures with the view of replacing the Compensation Bonds already granted by others bearing a lower rate of Interest.— The Commr of Customs Salt & Opium may be directed to suspend the redemption of these Bonds until further orders except in instances where the

* No 684 dated the 20th Feby 1858.

these proceedings were also reported to the Honble Court in Clause 4 of Letter No 20 dated the 22 April 1858.

holder...

"holders of the Bonds themselves apply to have
"them redeemed" —

38. With reference to the proceedings
reported to them in Clause 11 of letter No 91 dated
the 2nd Dec.r 1856 the Hon.ble Court in Para 12 of their
Despatch No 4 dated the 23rd March 1858 wrote as
follows:

See Para 25 of this Summary

Comp. 499/58.

"11 Arrangements for the redemption of Bonds granted as Compensation to Hucks abolished by the Customs and Town Duties Acts I of 1838 and XIX of 1844."

"12 These Bonds bear Interest at the high rate of 10 per Cent and the financial expediency of redeeming them is clear. The right of Govt to redeem them is unquestionable, though many of the local officers are of opinion that the arrangement may be distasteful to the Bond holders. When we abolished those Hucks, and gave in Compensation a Bond to the extent of ten years purchase at ten per cent we really continued the Huck at its former amount. If we now redeem the Bond, and the Interest the Huckdars obtain for the money is only five per cent, they would lose one half of their former income. They would naturally be much discontented, and as the Hucks are many of them of a religious character, the discontent might operate very seriously. It is expedient, therefore, at least to defer the measure even if on consideration it should at any time be deemed expedient to avail ourselves of the strict letter of the law we made to their injury, in a matter much affecting their feelings as well as their interests."

39. In the same Despatch (Para 55) the Hon.ble Court also replied to Clause 25 of the letter from this Govt No 7 dated the 2nd Feby 1857 in the following terms:

See Para 30 of this Summary

"(25) Adjustment of claims for compensation for abolished Town Duties in the Belgaum & Dharwar Collectorates. The amount of these claims was Rs 46031.27 per annum, which at 12 years purchase would be Rs 460312.. and the arrears were Rs 53634.12.5.

"55 After deducting the claims of certain adoptive inheritors which were rejected, the results given in the margin shew the responsibilities of Govt. We notice with regret the considerable delay which has occurred in the adjustment of these claims, and we approve the principle of discharging them

them by one single payment instead of by an annual compensation". — £96,666. 8. 6

No. Mr. Spooner In a letter No 1050 dated the 9th June
1858 submitted his report of the progress made with
regard to the disposal of the Bonds during 1857/58 + No 777 dated
subsequently he reported the progress made in 1858/59. the 3 May 1859
From these reports as well as from R. D No 2335
41.
that for the year 1856/57. the following table has been
framed:

Bonds which had to be paid off		Payable to Individuals		Payable to Debenture Bearers		Bonds paid off or disposed of		Remaining unpaid & undisposed of	
No	Amount	No	Amount	No	Amount	Year	No	Amount	No	Amount
						1856/57	329	166,905. 14. 9		
						1857/58	373	194,661. 10. 3		
						1858/59	60	42,541. 3. 9		
1470	645,684. 11. 3	1183	612,990. 2. 9.	287	32,694. 8. 6		762	394,108. 12. 9.	708	257,575. 14. 6.

Mr Lumsden is an
Inspector of Depts. & Deputy
the Home Secretary is
to accompany if he can
A Board be appointed
for expenses

Robbins
& Ley

Answered in Despatch No 25 12th January 1860...

Sir 35 of 1859

Revenue depart

To

Answered No 9 of 1860

His Majesty's Principal Secretary

of State for India.

London.

My Lord

I have the honor

to submit for your information

on a point connected with

the Repudiated Bonds granted

in Compensation to persons who

had claims on Items of Revenue

abolished in 1844 —

2. I have the honor to

Despatch No 44 of the 23rd March

the arrangements made by

the Government for

paying off those Bonds

were reviewed, & the Hon'ble

Court Expressed doubts as to

the Expediency of immediately

on receipt

redeeming the ~~bonds~~, especially
as some urban were for
lack of qualifications native.
From the proceedings sent
by the Hble Court hitherto
despatch No 20 dated 22 April
1868, I am ~~still~~ persuaded
that we directed the suspension
of ~~payment~~ the resumption of them bonds
pending further orders.

3. In para 25 of the
same despatch the Hble
Court reviewed our proceedings
with reference to the petition
of compensation of ~~the~~ Calcutta
& Belgaum & Dharwar.
Regret was ~~expressed~~
at the delay in settling

~~[illegible]~~ the principle
of ~~[illegible]~~ discharging these claims
by a simple payment instead
of by annual compensation
was fully approved.

2. As the arguments
upon which the Admiralty
decided in the first mentioned
case that ~~[illegible]~~ the usual caution
of bonds should be suspended
~~[illegible]~~ apply to some
extent to the latter
compensation also, I doubt
I was anxious as to the
intention of the Court
which induced its ~~[illegible]~~
to request ~~[illegible]~~ the reconsideration
of the ~~[illegible]~~ Government.

3. At first sight
it appeared that the

Number 2 Temple allowance included in the first class of claimants might have led the Otho Court to suppose that the redemption of bonds would be distasteful to the holders & unpopular. But it was evident that no distinction could have been intended by the Otho Court between Temples bonds & those of private individuals. & the only difference between the cases [referred to in the 2d section discussed on the 25th page] was that in the latter bonds had not been issued, as they had in the former.

17.

If this receive
Correct we would submit
for your consideration, whether
the redemption of these bonds
should be suddenly stopped
when but little more than half
have been paid off, as
will be seen from the
following Table

Bonds on which Interest to be paid	Payable to Individuals	Payable to Corporations	Bonds paid off or disposed of		Remaining unpaid & undisposed
No.	Amount	Amount	Amount	year	Amount	Amount
				1854	337	£ 448,905	
				1855	373	£ 496,661	
				1856	60	£ 79,931	
1870	£ 6,456,844	113	£ 1,779	2 9	287	32,696	8 6
				722	394,118	12 9	

We would remind
you that the rate of interest
is, fixed at 10 per cent because
the bonds were to be redeemed
at the pleasure of Government

have now elapsed during which the holders of these bonds have received the full rate of compensation. They have therefore no reason to complain if government now redeem their bonds.

But had not this been the case the state would have found itself necessary to substitute other items of revenue or better terms than are now assigned to those who have claimed the existing sources of revenue. But in fact on better terms than these they holders formerly

enjoyed. For with the exception of the temple grants the Bishop were equally determinable on the failure of male heirs or other contingencies, while these bonds are absolute perpetuities, without any restriction.

9. By the Act the Court was under the impression that if the Bonds @ 10 per cent were redeemed on the money paid, the holders would be entitled to only 5 per cent for their money, & would then lose half their income. But we may demand for that the highest rate of interest is obtainable in the [illegible] money market

this consideration at
least would have influence
the holders.

10. As so large a
number has already
been paid off, & as very
many other have had their
claims satisfied by an
early money payment—
without any bonds being
issued, we would suggest
that to this the redemption
of the Bonds at this date
would be somewhat
inconvenient, & we would
rather recommend a
gradual redemption

Exclusive over ~~all lands~~ ~~in Orissa~~
~~three years~~.

II - The orders in which
the Bonds should be redeemed
should be

I^st. ~~allowance~~ Claims upon
~~the state~~ revenues levied
by Government & allowances
paid from the Imperial
Collections & the
of State

1- Grants to individuals
should be first redeemed
and then

2. Grants to temples &
other permanent institutions
whether secular or religious

II^ly Items of revenue
levied by the claimants
themselves by virtue
of their holding title
in

1. to where the price of the said Shares should be confirmed granted unless [illegible] Permit Duties abolished under Act I of 1838

2. to Castly compensation granted under Act XIX of 1844 for the abolition of Town duties.

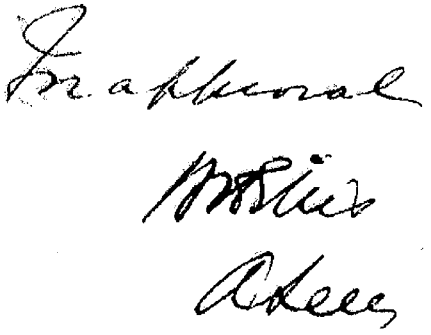
12. We would further respectfully draw attention to the last section of the last Class of address for further, as there are cases now under Enquiry which may possibly induce us to recommend some modification in the disposal of this particular Class of

It will be found that there is a great difference between compensating those who had claims to revenue as attached to the Land & the compensation given to the holder of land attached to villages for abstaining from taxing those who live on his Estate & from whom he probably exacts contributions in some other form.

13. We must also call upon Government to hear appeals & that we may be joined with such as Europeans.

Bombay Gazette
19th October 1859

Oct 11
Copies in H.
11/10 H.R. Oct 13 14/10



TOTAL EXPOSURES

END

END

TOTAL EXPOSURES

TOTAL EXPOSURES

END

END

END